

EXHIBIT 46

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

Xavier Walker,

Plaintiff,

vs.

Case Number 1:2020cv07209

City of Chicago et al.,

Defendants.

Deposition of Gregory Wilson

Wednesday

February 23rd, 2022

-at-

Zoom Remote Deposition

1 APPEARANCES

2
3 For the Plaintiff:

4 Jeanette S. Samuels

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9 For the Defendant City of Chicago:

10 Natalie Adeeyo

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18 For the Individual Chicago Police Officer Defendants:

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1 RECORDER: Zoom is now recording. Good
2 morning. We are now on the record. Today is
3 Wednesday, February 23rd, 2022. The time is now 10:06
4 a.m. We are meeting remotely today for the deposition
5 of Gregory Wilson in the matter of Xavier Walker v.
6 City of Chicago et al., case number 1:2020cv07209. The
7 venue is Northern District of Illinois, Eastern
8 Division. Mr. Wilson, my name is Brenda Portillo. I'm
9 a notary public, and I'm recording this deposition on
10 behalf of Exhibit 5, LLC. This deposition is being
11 recorded remotely via Zoom in accordance with Illinois
12 Public Act 101-0640. Mr. Wilson, would you please
13 confirm your identity by placing a valid picture ID in
14 front of the camera briefly?

15 MR. WILSON: I -- one moment, please. All
16 right. Do you see it?

17 RECORDER: A little over to -- yep, a little
18 further over. Sorry, we're looking at your --

19 MS. SHOFFNER: We see your --

20 RECORDER: -- palm right now.

21 MR. WILSON: We're good?

22 RECORDER: No, we're looking at your palm
23 still, I'm sorry.

24 MR. WILSON: Okay.

25 MR. MILLER: Read your palm -- but --

1 RECORDER: A little bit to your right.

2 MS. SHOFFNER: Your future is bright and
3 sunny.

4 MR. WILSON: Miss Court Reporter?

5 RECORDER: Yes.

6 MR. WILSON: Are you satisfied?

7 RECORDER: Can you actually hold it up one
8 more time a little more to your right, please?

9 MR. WILSON: To my right?

10 RECORDER: Yeah. Try holding it in front of
11 your nose actually. Is that better -- is it -- that
12 helps a little bit more. Thank you.

13 MR. WILSON: Okay.

14 RECORDER: Yes. And Mr. Wilson, are you
15 physically located in the state of Illinois?

16 MR. WILSON: I am.

17 RECORDER: Yes? At this time, would you
18 please raise your right hand for the oath?

19 (Witness sworn)

20 RECORDER: Thank you. Would the attorneys
21 please state their appearances for the record?

22 MS. SHOFFNER: Good morning, Mr. Wilson. My
23 name is Robin Shoffner, and I, along with Natalie
24 Adeeyo and Breana Brill represent the City of Chicago.

25 MR. MILLER: Graham Miller and Misha

1 Itchhaporia on behalf of the individual CPD Defendants.

2 MS. SAMUELS: Good morning, my name is
3 Jeanette Samuels, and I represent the Plaintiff, Xavier
4 Walker.

5 RECORDER: Thank you. That completes the
6 required information. We can proceed.

7 EXAMINATION

8 BY MS. SHOFFNER:

9 Q. All right. Mr. Wilson, would you please
10 state your full name including your middle name and --
11 for the record?

12 A. Gregory Allan Wilson. 0:02:54

13 Q. And are you currently alone in a room?

14 A. Yes, I am.

15 Q. All right. Sir, have you given a deposition
16 before?

17 A. Yes, I have.

18 Q. All right. You -- then you know the general
19 ground rules, I'll just go over them briefly. From
20 time to time, I'll be asking a question, you will know
21 the question before I finish it, but please allow me
22 the opportunity to finish asking the question and I
23 will allow you the opportunity to finish your answer,
24 okay?

25 A. Certainly.

1 Q. If you don't understand a question, please
2 let me know and I will do my best to clarify it for
3 you. If you answer a question, I will assume you
4 understood the question and answered it accurately,
5 understood?

6 A. Yes.

7 Q. All right. From time to time, the attorneys
8 may object to a question I ask, and once they get their
9 object -- objection on the record, then you are free to
10 go ahead and answer the question, okay?

11 A. Okay.

0:03:54

12 Q. If you need a break at any point in time,
13 just let me know. We can always stop and take a break.
14 I -- I only ask that you answer a pending question
15 before taking a break. Understood?

16 A. Yes.

17 Q. All right. Before we jump into this, I need
18 to ask, are you under the influence of any drugs or
19 alcohol?

20 A. No.

21 Q. All right. Are you under the influence of
22 any medication that may impact your ability to testify
23 truthfully today?

24 A. No.

25 Q. All right. Do you know of any reason why you

1 cannot testify truthfully and accurately to the best of
2 your ability?

3 A. No.

4 Q. All right. Sir, I contacted you to confirm
5 your deposition here today. When we spoke, other than
6 setting the date for your appearance, did we discuss
7 anything related to Xavier Walker's civil lawsuit?

8 A. No.

9 Q. And did we discuss his criminal case?

10 A. No.

11 Q. And we didn't discuss anything related to Mr.
12 Walker. Is that fair to say?

13 A. That's correct.

14 Q. Now have you discussed your deposition today
15 with anyone?

16 A. No. 0:05:05

17 Q. You haven't spoken to Jeanette Samuels, Mr.
18 Walker's attorney?

19 A. Yeah, I did speak with Attorney Samuels, but
20 it was not regarding my deposition.

21 Q. All right. When did you last speak to
22 Attorney Samuels?

23 A. I spoke to her yesterday, matter of fact.

24 Q. And what was the nature of your communication
25 yesterday?

1 A. It had to do with my recollection of the
2 facts surrounding Xavier's -- my -- my represent --
3 representation of Xavier in his criminal trial.

4 Q. And -- and you had no discussion about your
5 deposition. Is that what you're say --

6 A. That's what I'm saying, that is correct.

7 Q. Okay. All right. Did -- did you all discuss
8 your assertion of the attorney-client privilege during
9 your deposition today?

10 A. We did not.

11 Q. Did you discuss any facts that you cannot
12 testify here to today?

13 A. No, we did not. 0:06:12

14 Q. And how long did that conversation last?

15 A. Maybe five minutes.

16 Q. And you were able to communicate your
17 recollection of Mr. Walker's criminal case to her
18 within that five-minute time period?

19 A. As I was able to answer the questions she
20 raised within that five minutes, yes, as best I could.

21 Q. What questions did she ask?

22 A. She asked if I had -- if I could recall -- if
23 I recalled whether certain individuals had been
24 presented to me in -- in my defense of Mr. Walker.

25 Q. When you say, "certain individuals," did she

1 give you --

2 A. Certain people named as potential witnesses
3 in -- in his criminal trial.

4 Q. Okay. And which -- which individuals were
5 you asked about?

6 A. Oh, jeez. I did not take notes, and as I sit
7 here right now, I can't answer that.

8 Q. Okay. Did she ask you about Simeon Dorsey?

9 A. That name came up, yes. 0:07:15

10 Q. Did she ask you about Shunralyn Walker?

11 A. Yes.

12 Q. Did she ask you about Antwoine Waddy?

13 A. I believe so.

14 Q. Did she ask you about Marvin Mosley?

15 A. That name also may have came up.

16 Q. Did she ask you about Charles Toles?

17 A. I don't recall that name.

18 Q. Did she ask you about Yvette Anderson?

19 A. I don't recall that name.

20 Q. How about Marion Tillman (phonetic)?

21 A. I don't recall that name.

22 Q. Deon Baylock? 0:08:00

23 A. I believe that name came up.

24 Q. Now when she asked you about Simeon Dorsey,

25 what was your -- what -- what was your response to

1 that? About -- the question I believe she said -- she
2 asked was, "Were these witnesses presented to you,"
3 correct?

4 A. Yeah, so my -- my response to Ms. Samuels
5 yesterday for that individual and frankly for all of
6 them was that I'd no longer had any recollection of --
7 of my involvement with them whatsoever.

8 Q. It has been quite a while ago, hasn't it?

9 A. Yeah, indeed so.

10 Q. And so with each of these witnesses and when
11 she asked you if they had been presented to you, your
12 response with respect to all of them was that you
13 didn't -- you didn't have independent recollection. Is
14 that fair to say?

15 A. I think that is fair to say, yes. 0:08:56

16 Q. Now in addition to asking you if certain
17 witnesses had been presented to you, did she ask you
18 anything else?

19 A. No.

20 Q. Okay. Other than -- other than talking with
21 Ms. Samuels yesterday, have you spoken to her prior to
22 this? When was the last time you spoke to her prior to
23 yesterday?

24 A. Yesterday was the first and only time I've
25 ever spoken to Ms. Samuels regarding Xavier Walker's

1 case.

2 Q. Yeah, but you said -- do you know her
3 personally?

4 A. We -- in passing. 0:09:48

5 Q. So you've spoken to her on occasion in
6 connection with other -- other instances or social or
7 -- or -- or work related, but with respect to Xavier
8 Walker, yesterday was the first day that you had a
9 conversation with Jeanette Samuels about Xavier
10 Walker's civil lawsuit. Is that fair to say?

11 A. That is fair to say.

12 Q. All right. And have you ever spoken to
13 Jeanette Samuels -- Samuels about Xavier Walker's
14 criminal case when it was pending?

15 A. No.

16 Q. Did you ever speak with Ms. Samuels about his
17 efforts to become exonerated and have the charges
18 dismissed against him?

19 A. No.

20 Q. And I may have asked this before, but other
21 than Ms. Samuels, have you discussed your deposition
22 with anyone else?

23 A. No, I have not. 0:10:53

24 Q. And have you discussed Xavier Walker's civil
25 lawsuit with anyone else?

1 A. No.

2 Q. Okay. But when was the last time you had a
3 discussion about Xavier Walker that you can recall?

4 A. Oh, jeez, jeez. It's -- it's been years.
5 Years ago a Harold Winston from the public defender's
6 office was in contact with me regarding I think seeking
7 to have Xavier's conviction overturned, and that --
8 when I say, "years ago," I'm talking more -- probably
9 five-ish years ago.

10 Q. Okay.

11 A. And that was the last time I spoke with
12 anyone about Xavier Walker.

13 Q. I see. And so you spoke with Mr. Winston
14 when he was seeking to probably get an affidavit from
15 you. Is that fair to say?

16 A. That's fair to say. 0:11:50

17 Q. And -- and we'll talk about that later, but
18 since that conversation, you haven't had any
19 conversations about Xavier Walker until you received
20 the subpoena and we spoke on the phone. Is that
21 correct?

22 A. That is correct.

23 Q. Okay. Now sir, have you reviewed any
24 documents in preparation for your deposition today?

25 A. I looked through my file to see if there was

1 anything there that could refresh my recollection, and
2 I only really came across the affidavit that I prepared
3 or was prepared for -- with Mr. Winston.

4 Q. Now when you say you looked across your file,
5 is that the -- the criminal file that you maintained in
6 connection with Xavier Walker?

7 A. Correct.

8 Q. And is that the file that you produced to --
9 to us in response to a subpoena?

10 A. Correct. 0:12:48

11 Q. And you reviewed that file in preparation for
12 your deposition here today?

13 A. Well, I -- I -- I certainly looked at it,
14 yes.

15 Q. Now with respect to the document and the file
16 that you produced, were those all the files that you
17 have in connection with this case?

18 A. Yes.

19 Q. And does that file -- you have it, but so is
20 that considered your personal file with this case?

21 A. It is my personal file, yes.

22 Q. Now does this file represent all the
23 documents that you ever possessed in this case?

24 A. I would think so, but I can't be -- can't
25 answer that definitively one way or the other.

1 Q. Were all the personal notes that you had
2 taken regarding Mr. Walker included in that file?

3 A. I believe so. 0:14:03

4 Q. And all the notes that you had taken in
5 respect to this case were produced to Counsel. Is that
6 correct?

7 A. By "this case," are you talking about this
8 civil case?

9 Q. No, sir, I'm actually referring to Xavier
10 Walker's criminal case.

11 A. Okay. Yes, then answer's yes.

12 Q. And then would your file also conclude --
13 include notes regarding interviews that you had with
14 potential witnesses?

15 A. It may -- they may -- it may well have. I
16 don't recall seeing any such notes when I reviewed the
17 file yesterday, however.

18 Q. Well, did you create personal notes from
19 having interviewed witnesses?

20 A. I -- I would believe that I would have done
21 so, yes.

22 Q. But you said there were no such notes in your
23 file that was tendered to us. Is that correct?

24 A. Correct.

25 Q. Now if you don't have the notes that you

1 generated, where -- where would those notes be?

2 A. They would have either been lost or -- or --
3 or disposed of. I mean, again we're talking about a
4 20-ish year-old case.

5 Q. So is it possible that many of the documents
6 that consisted in your original file in this case may
7 have been destroyed?

8 A. Yes.

0:15:37

9 Q. And where did you store this -- where did you
10 -- where did you have these documents stored?

11 A. I have file cabinets in the -- so I have a
12 home office, and I have a -- a -- a dedicated file room
13 then which I store all of my closed files.

14 Q. Would your file have contained court
15 transcripts from -- transcripts from court proceedings?

16 A. Actually I don't recall ever having any
17 transcripts from any court proceeding.

18 Q. How about -- how about photos? Would your
19 file have contained photos of -- that were generated in
20 connection with this case?

21 A. Certainly it is possible, but I -- I -- I
22 don't know that -- I know that as I looked at my file
23 yesterday, no photos presented themselves, so once --
24 once again if -- if I had them, I no longer have them.

25 Q. And is -- over the years, do you sort of pare

1 down the files and sort of keep the -- the important
2 documents and then -- and dispose of other documents
3 and then store them?

4 A. Well, over the years if I -- if -- once the
5 file becomes, and this is my terminology, stale and a
6 -- a period of time goes by with no action, I -- I
7 literally dispose of everything.

8 Q. Well, typically you dispose of everything
9 after a period of time, but in this case you seem to
10 have held onto at least several hundred documents.
11 Fair to say?

12 A. That's fair to say. 0:17:46

13 Q. And is there any reason that you held on to
14 documents in this case and didn't dispose of your
15 entire file?

16 A. The only reason that comes to mind is that as
17 I perhaps was nearing making a decision on it, Mr.
18 Winston presented himself as representing Xavier in his
19 efforts to get exonerated.

20 Q. And in his effort to do so, did you provide
21 Mr. Winston with any files that you had in your
22 possession?

23 A. Nothing more than what you guys have.

24 Q. So I guess the answer to -- I guess my
25 question is -- is did you provide -- and we'll talk

1 more about this later, but did you provide Mr. Winston
2 with original documents that were in your file?

3 A. Yes. 0:18:35

4 Q. Did -- do you recall what those original
5 documents were?

6 A. Oh, I do not.

7 Q. Do you recall how many there were?

8 A. I do not. It -- it was a briefcase full of
9 documents, but what they were, I can't tell you.

10 Q. And so -- and you met with Mr. Winston, you
11 discussed how he was attempting to get Mr. Walker
12 exonerated, and you offered your assistance. Is that
13 fair to say?

14 A. No, I did not offer my assistance. He asked
15 me if I could and would supply him with -- with -- with
16 my file and I -- I agreed to do that.

17 Q. And you provided him with your file at that
18 time?

19 A. At -- at some point in time I did, yes. 0:19:34

20 Q. Did you give him the original documents or
21 did you make a copy of what you gave him?

22 A. I gave him the -- I gave him my original
23 documents, he Xeroxed and returned my files to me.

24 Q. Now did you provide a copy of your file to
25 the Cook County public defender's office once you had

1 -- to the Cook County public defender's office once you
2 had completed your representation of Mr. Walker?

3 A. That -- that's the file that I gave to Mr.
4 Winston, who was with the public defender's office.

5 Q. Okay. And that is when you provided the Cook
6 County public defender a copy of your criminal file?

7 A. Correct.

8 Q. Relative to your file, how did you receive
9 documents in connection with the Walker case?

10 A. I'm sorry, would you repeat that? 0:20:47

11 Q. Relative to your file, how did -- how would
12 you receive documents in connection with this case?

13 A. Well, as I'm representing Mr. Walker in a
14 criminal matter, much of the material I received was
15 from the State's Attorney's Office in terms of
16 discovery. My -- my file would have also contained
17 notes that I may have created for -- for my own
18 independent research, and it may have contained notes I
19 created following interviewing certain witnesses or
20 individuals who could or could not have been -- been --
21 been witnesses.

22 Q. Would you on occasion receive information
23 from the Cook County public defender's office?

24 A. No. If -- if I did, I don't -- you see, I
25 have no recollection of having received anything from

1 the Cook County public defender's office.

2 Q. Okay. Other than the documents that you
3 produced in connection with this case, have you
4 reviewed any other documents?

5 A. No. 0:22:05

6 Q. All right. Sir, what is your date of birth?

7 A. [REDACTED]

8 Q. And your current address?

9 A. 4006 South King Drive, Chicago, Illinois
10 60653.

11 Q. And is -- is this both your business and your
12 home address?

13 A. Yes.

14 Q. And where did you graduate from law school?

15 A. DePaul University College of Law.

16 Q. And what year was that?

17 A. 1973. 0:22:56

18 Q. How about undergrad? Where'd you --

19 A. Roosevelt University, Chicago, Illinois.

20 Q. And what year was that?

21 A. 1970.

22 Q. Do you have any other formal education?

23 A. No.

24 Q. And what year were you, like, admitted to
25 practice law?

1 A. November 1973 in Illinois.

2 Q. And have you been licensed as an attorney
3 since November of 1973?

4 A. Yes.

5 Q. Have you ever been disciplined by the ARDC?

6 A. Yes.

7 Q. And what was the nature of your discipline?

8 A. It was a --

9 Q. I'm -- I'm sorry, before I -- before you get
10 into the single -- was it just -- was it just one
11 incident?

12 A. Yes, just one incident. 0:23:55

13 Q. Okay. What -- what did it entail?

14 A. It entailed my -- my failure to turn over to
15 ARDC in a timely fashion certain file information
16 regarding a client who had lodged a complaint against
17 me.

18 Q. And what was the complaint that was lodged
19 against you?

20 A. I think it had to do with a failure to
21 represent, something along those lines.

22 Q. Was that a -- was it a criminal case or a
23 civil case?

24 A. I think it was a civil case.

25 Q. And what was --

1 A. In fact it --

2 Q. And what was the out -- outcome of that
3 investigation?

4 A. I was suspended pending turning over the
5 questioned information, and upon -- which I
6 subsequently did, and the suspension was lifted. It
7 was a matter of months -- a month or two that the
8 suspension was in effect.

9 Q. And when -- when in time did this occur? 0:25:01

10 A. Oh, jeez. Late '70s maybe, early '80s. Late
11 seven -- but I'm pretty sure it was late '70s because I
12 was -- as I recall, I was actually working in the state
13 of Wisconsin at the time this happened.

14 Q. And have you had any other complaints filed
15 against you through the ARDC?

16 A. No.

17 Q. All right. Are you currently employed?

18 A. I'm self-employed.

19 Q. And self-employed in what capacity?

20 A. As a practicing attorney. 0:25:56

21 Q. And what's the nature of your practice?

22 A. Just a general practice right now, focusing
23 primarily on real estate and family law.

24 Q. Do you still practice criminal defense?

25 A. On rare occasions.

1 Q. And how long have you been self-employed?

2 No, well, let me ask you this. Is that your -- is that
3 the only kind of work that you're doing?

4 A. Yes.

5 Q. And how long have you been self-employed as a
6 private practicing attorney?

7 A. Oh, jeez. 20, 25 years. 0:26:49

8 Q. You're making me do some math now. All
9 right. So --

10 A. It was -- it was eight -- early '80s, late
11 '70s.

12 Q. Well, 25 years would be late '90s. Like,
13 it's 2022.

14 A. It was long --

15 Q. So it's twenty-twenty -- so it's 2022 now, so
16 --

17 A. It would have -- it would have been I -- I
18 think probably in the mid to late '80s that I be --
19 that I came into private practice.

20 Q. So then you've been in private practice as a
21 -- are you a sole practitioner?

22 A. I am. 0:27:38

23 Q. You've been in practice as a sole
24 practitioner since the mid to late 1980s. Is that
25 correct?

1 A. That's correct.

2 Q. Now prior to -- and can you -- do -- do you
3 know if it was closer to 1985 or closer to 1990?

4 A. Probably closer to '85.

5 Q. Now prior -- prior to going into private
6 practice, where did you work?

7 A. Well, okay. So when I graduated from law
8 school, I -- my first job was with the National Labor
9 Relations Board, region 13. It was --

10 Q. The NLRB?

11 A. NLRB.

12 Q. Okay. 0:28:28

13 A. It was just a -- I left there and went to
14 Cook County Hospital in their -- in their personnel
15 labor department. I left there and went to work in
16 Wisconsin as the staff attorney for the Wisconsin
17 Education Association Council, that's a teacher's
18 union. I left there and went -- and came back to
19 Illinois and worked as general counsel for the Illinois
20 Education Association, which is the state teacher's
21 union. And I think after that, I was the staff
22 attorney for the Chicago Sun-Times, their labor
23 department, for a year, and then I went into private
24 practice.

25 Q. All right. So when you started working at

1 the National Labor Relations Board in 1973, what were
2 your -- what were your responsibilities at that point?

3 A. Oh, jeez. To investigate charges of unfair
4 labor practices committed by either labor organizations
5 or employers, to conduct elections for representation
6 as presented to the NLRB but no --

7 Q. And how -- okay. And --

8 A. -- my functions primarily. 0:30:39

9 Q. And how long did you work in that position,
10 from 1973 until approximately when?

11 A. From June of 1973 till I believe November of
12 '74.

13 Q. And then in '74, did you begin working at
14 Cook County Hospital?

15 A. Yes.

16 Q. And how long did you work at Cook County
17 Hospital?

18 A. Only a few months. It was -- that was the
19 spring of '75 I went to the -- to Wisconsin.

20 Q. Okay. When -- when you -- when you were at
21 Cook County Hospital, you said that you did personnel
22 and labor-related matters?

23 A. Yes, I was their assistant director of labor
24 relations.

25 Q. So it wasn't a position of practicing law,

1 but it -- it required that you have specific knowledge
2 of the law. Is that fair to say?

3 A. That's fair to say. 0:31:45

4 Q. And then in the spring of 1975, you went to
5 Wisconsin?

6 A. Correct.

7 Q. And -- and you be -- be -- you said you
8 became a staff attorney for the education union?

9 A. Correct.

10 Q. And -- and how long were you in that
11 position?

12 A. Oh, jeez. Sometime in '77 I believe.

13 Q. So were you in that position for
14 approximately two years?

15 A. Approximately two years.

16 Q. And as your role as a staff attorney, what
17 were your responsibilities?

18 A. Well, to give legal advice to our various
19 local affiliate -- okay, so Wisconsin was the state
20 union, if you follow me, okay?

21 Q. Yeah. 0:32:52

22 A. And we -- and we had various locals
23 throughout the state, okay, local unions, so for
24 example the city of -- of -- of Madison, Wisconsin, may
25 have had its own chapter, the city of Green Bay,

1 Wisconsin, may have had its own chapter, and the like,
2 so my role was to give those varying chapters legal
3 advice for the various labor issues that presented
4 themselves to them.

5 Q. Understood. Did you -- but did -- you didn't
6 do any criminal practice in that position --

7 A. Oh, no, no.

8 Q. And then after two years, you left that --
9 you left that position and then you became the general
10 counsel of the Illinois Education --

11 RECORDER: Robin --

12 Q. -- Association?

13 RECORDER: Robin --

14 A. Excuse me?

15 RECORDER: -- hard to under --

16 Q. I'm sorry, was -- can you hear me?

17 A. I hear you now.

18 Q. Oh, I -- I must have covered my mic, I'm
19 sorry. Let me turn the volume up just -- can you hear
20 me okay or should I turn the volume up?

21 A. I hear you fine. 0:33:55

22 Q. Okay. And then -- oh, so let me just
23 rephrase the question so we have a clean record here.
24 After two years in that position, you -- you became the
25 general counsel for the Illinois Education Association?

1 A. Well, be -- before that, when I left
2 Wisconsin, I came back to Chicago and I was in private
3 practice for about a year in which I was -- in which my
4 practice was primarily labor and personnel work.
5 Wisconsin -- the Wisconsin labor organization was my
6 primary client.

7 Q. Oh, I see. That was back in, like, 1977,
8 correct?

9 A. Correct.

10 Q. And for the year that you were in private
11 practice starting in 1977, did you work on any criminal
12 matters?

13 A. No. 0:34:45

14 Q. It was solely labor and labor relations?

15 A. Well, not solely, but it was primarily labor
16 and employment matters. There may -- there may have
17 been some -- some ancillary civil work involved, but no
18 criminal whatsoever.

19 Q. Okay. And then after being in private
20 practice for a year in 1977, what did you do?

21 A. I think I -- that's when I went to -- think
22 that's when I became the general counsel for the
23 Illinois Education Association located in Springfield,
24 Illinois.

25 Q. Were you required to move to Springfield?

1 A. Yes. 0:35:37

2 Q. And did -- briefly what were your
3 responsibilities as the general counsel for the
4 Illinois Education Association?

5 A. Similar to what I did in -- in -- in -- in --
6 in Wisconsin, by that -- by that I mean giving legal
7 advice to our member affiliates throughout the state
8 regarding their labor organization activities or issues
9 arising with our membership.

10 Q. And how long did you work as general counsel
11 for the Illinois Education Association?

12 A. Probably two years. Probably two years, so
13 we're now looking at '79 or '80.

14 Q. So basically, like, from 1978 to 1980?

15 A. I think that's correct. 0:36:36

16 Q. And then what happened in nine -- in --
17 roughly in 1980, why did you leave that job?

18 A. Well, I was living in Springfield and my
19 family was here in Chicago, so I came back to be with
20 my family, and I had a job at the Chicago Sun-Times as
21 their labor attorney for a year.

22 Q. So you came back and you -- did you -- would
23 it be fair to say that you came back to Chicago in 1980
24 and started --

25 A. I think --

1 Q. -- work --

2 A. Yeah, '80 or '81, some -- one -- one or the
3 two.

4 Q. And then shortly -- did you have a job lined
5 up when you came back?

6 A. Yes.

7 Q. And that was the job with the Chicago
8 Sun-Times?

9 A. Correct.

10 Q. And I believe you said you worked there for
11 one year?

12 A. That's correct. 0:37:38

13 Q. And again it was -- wait, what was your title
14 there?

15 A. Labor attorney.

16 Q. And then what happened, why did you leave
17 that job?

18 A. It -- it was -- we did -- it -- the job did
19 not prove to be what I -- what I found -- what I needed
20 it to be, so -- so I left and went into private
21 practice.

22 Q. The job didn't meet your expectations, right?

23 A. Correct.

24 Q. But you chose to leave, they didn't terminate
25 you. Is -- is that correct?

1 A. Oh, correct. Absolutely correct.

2 Q. And so after you left that job, what did you
3 do?

4 A. I think that's probably when I began private
5 practice.

6 Q. And that would have been roughly on or -- and
7 around 1982?

8 A. Two or three. 0:39:00

9 Q. All right. When you began your practice in
10 let's just say 1983, what was the nature of your
11 practice?

12 A. It was -- it was a general practice.

13 Q. Were you doing criminal cases starting in
14 1983?

15 A. Probably.

16 Q. Now what -- in 1983, what percentage of your
17 cases were criminal and what percentage of your cases
18 were civil?

19 A. I -- I -- I can't answer that, I don't -- I
20 don't know the answer to that.

21 Q. But it's fair to say as of 1983 you had no
22 prior criminal experience, correct?

23 A. That is safe -- yes. 0:40:06

24 Q. Now in advance of starting to have a criminal
25 practice, did you undertake any training or education?

1 A. No.

2 Q. Now as a part -- let me ask you this. When
3 did you start doing cases on behalf of the Cook County
4 public defender?

5 A. I'm sorry?

6 Q. When did you start doing criminal cases on
7 behalf of the Cook County public defender?

8 A. Never.

9 Q. Okay. 0:41:00

10 A. I was never employed by the Cook County
11 public defender's office.

12 Q. In addition to criminal cases, what other
13 kind of cases -- oh, I'm -- I'm sorry, you -- believe
14 you said you did family law, you did real estate, and
15 -- and in 1983 you started doing criminal work,
16 correct?

17 A. That's correct. 0:41:52

18 Q. Can you describe the nature of your criminal
19 practice from the time period of 1983 until the year
20 2000?

21 A. It probably would involve representing
22 defendants charged with misdemeanor cases. It was
23 probably heavily -- well, and -- and -- and drug cases,
24 probably it was heavily involved in drug cases, DUIs,
25 that kind of thing, but no major -- as I can -- as I

1 can recall, only -- only rarely did my criminal cases
2 involve major felony issues.

3 MS. SHOFFNER: Okay. Just got a notice that
4 my battery was running low because my charger wasn't
5 plugged in. Could you read that answer back, please?

6 RECORDER: Sure -- it was -- 0:43:48

7 (Record replayed)

8 RECORDER: Oh, let me go a little further
9 back.

10 MS. SHOFFNER: Make sure that's not on the
11 record.

12 (Record replayed)

13 RECORDER: Was that good?

14 MS. SHOFFNER: Yes, thank you.

15 Q. All right. So between 1983 and 2000,
16 approximately how many felony cases did you handle?

17 A. Oh, jeez. I -- I couldn't answer that. I
18 don't know.

19 Q. Did you have any cases that went to trial
20 between 1983 and 2000?

21 A. I'm sure I did. 0:44:46

22 Q. Approximately how many trials did you have?

23 A. I don't know that. I don't -- I don't -- I
24 don't have that in my -- in my mind.

25 Q. Well, now you -- you testified that you

1 rarely had criminal cases involving felonies. Is that
2 -- is that -- did I hear that correctly?

3 A. You heard -- you heard that correctly. Major
4 -- major felonies.

5 Q. And when --

6 A. I mean I -- I represented a lot of defendants
7 accused of -- of possession of narcotics, selling of
8 narcotics.

9 Q. So -- so did your felony cases involve
10 selling of narcotics?

11 A. Some did.

0:45:47

12 Q. And what are -- what are some of the other
13 felonies that you handled?

14 A. I -- I can recall a couple of rape cases that
15 my -- my clients were -- were charged with. As I said
16 earlier, DUIs, assault -- assault and battery issues.

17 Q. DUIs were primarily misdemeanors though,
18 correct?

19 A. Correct.

20 Q. And the assault and batteries, were those
21 also primarily misdemeanors?

22 A. Well, they were misdemeanors and -- and --
23 and -- and felonies actually.

24 Q. Okay. And the rape cases were certainly
25 felonies. Did -- did -- did any of those rape -- two

1 rape cases go to trial?

2 A. One in particular that I can recall going to
3 trial.

4 Q. Do you recall the outcome of that trial?

5 A. He was found guilty. 0:46:52

6 Q. And then with respect to the assault and
7 batteries, do you recall any of those cases going to
8 trial?

9 A. I -- I cannot -- I do not have that
10 recollection, no.

11 Q. Did you ever represent anyone -- from 1983
12 until 2000, did you ever represent anyone in connection
13 with a homicide?

14 A. No.

15 Q. Did you ever represent anyone in connection
16 with attempted homicide?

17 A. Not that I recall.

18 Q. Did you ever represent anyone in connection
19 with a robbery?

20 A. Maybe, but I can't be any more specific than
21 that.

22 Q. How about aggravated use of a firearm? Did
23 you represent anyone in connection with an -- with an
24 agg -- with an agg batt?

25 A. Yes, I -- yes. UUW --

1 Q. And --

2 A. -- yes. 0:47:57

3 Q. And do you recall any of those cases going to
4 trial?

5 A. No, I do not.

6 Q. Now in May of 2000, you represented Xavier
7 Walker in connection with a murder charge, correct?

8 A. Correct. 0:48:46

9 Q. How did you come to represent Mr. Walker?

10 A. I had previously represented Mr. -- a -- a
11 relative of Mr. Walker's in a criminal matter, and that
12 client referred Xavier to me for my consultation and
13 representation.

14 Q. And who -- then who was that client?

15 A. Anthony Pettigrew. 0:49:28

16 Q. So when you were -- when you were referred,
17 did you receive a phone call from Mr. Walker or someone
18 from Mr. Walker's family?

19 A. His relative Pettigrew, my -- my -- my prior
20 -- previous client who was related to Xavier, may have
21 been cousins or something like that.

22 Q. He called you and what did he say?

23 A. Oh, God, I can't -- I can't -- I -- now I can
24 only give you what probably was said. I can't tell you
25 what was said because I certainly have no recollection

1 of that conversation.

2 Q. All right. What was your -- with -- what was
3 your understanding as a result of that conversation?

4 MS. SAMUELS: Objection. Calls for
5 speculation.

0:50:30

6 A. That he had a relative who was --

7 Q. What was --

8 A. That he --

9 Q. Okay, hang on. She just needs to make a
10 recommendation -- her objection for the record, and her
11 objection's noted. Sir, after that conversation, what
12 was your understanding of what transpired?

13 A. My client, Anthony Pettigrew, I believe he
14 indicated he had a relative who was -- had a -- a
15 serious case and he needed somebody to represent him.

16 Q. And -- and did you agree at that time to take
17 it on?

18 A. Well, I agreed to -- to interview Xavier to
19 see if it was something that I wanted to do.

20 Q. And did you interview Mr. Walker?

21 A. I did.

0:51:25

22 Q. How soon after receiving that phone call did
23 you interview Mr. Walker?

24 A. I would -- I would imagine it was days. I'm
25 not sure, but I would imagine it was days.

1 Q. Like more than a week?

2 A. No.

3 Q. Now at the time that you had agreed to meet
4 with him to interview him, is it fair to say that you
5 had not agreed to accept representation to serve as his
6 counsel?

7 A. That is correct.

8 Q. When you spoke with Mr. Pettigrew, did you
9 communicate to him your rate for the work and
10 representing Mr. Walker?

11 A. No. 0:52:09

12 Q. And at the time that you had agreed to meet
13 with Mr. Walker, had he already been charged?

14 A. I don't know that, I don't recall that, but I
15 believe the answer is yes because I do not recall go --
16 having -- having to go before any preliminary hearing
17 or anything akin to that, so I believe the answer is
18 yes, he had been.

19 Q. All right. So after you talked to Mr.
20 Pettigrew, did you do anything to prepare for your
21 meeting with Mr. Walker?

22 A. I don't recall that I did. 0:53:20

23 Q. What did you do?

24 A. I said I do not recall that I did.

25 Q. All right. So then you talked to Mr.

1 Pettigrew, he -- you said you would want to interview
2 Mr. Walker, and then a few days later, you met -- you
3 met with Mr. Walker, correct?

4 A. Correct.

5 Q. And where -- where did you meet with him?

6 A. I believe he was in -- he was in custody at
7 the Cook County Jail.

8 Q. And what did you -- what was the nature of
9 your interview?

10 A. Well --

11 MS. SAMUELS: I'm going to object to the
12 extent this calls for attorney-client privileged
13 communications.

14 Q. What was the nature of your interview? 0:54:26

15 A. It was to get as much -- to get the facts
16 surrounding his -- the -- surrounding the charge and
17 his arrest.

18 MS. SHOFFNER: Excuse me just a second.

19 Q. All right. And did you also talk about
20 compensation at that interview?

21 A. We probably did, and he referred me to his
22 parents to discuss the specific -- the specifics of
23 that.

24 Q. You need to take a break to answer the phone
25 or anything?

1 A. I'm fine. 0:55:27

2 Q. Okay. So you have a discussion with Mr.
3 Walker, and at the time you met with Mr. Walker, did
4 you -- did you -- did you come to terms with him about
5 your represent -- representing him?

6 A. Well, I think probably -- I'm not clear on
7 how that went, so I can't -- can't -- I can't be any
8 more definitive than that.

9 Q. When you say you're not clear about how that
10 went, what -- what -- what are you saying there?

11 A. So I -- okay. So probably, and I -- and I
12 stress "probably," I told Walker -- would have told
13 Walker that -- that depending upon my ability to reach
14 agreement with his parents regarding my compensation
15 would -- would determine whether I could represent him.
16 He wanted me to represent him. I was willing to
17 represent him assuming I could reach agreement on
18 compensation, and thus I had to meet with his parents.

19 Q. And that meeting took place?

20 A. Yes, it did. 0:56:35

21 Q. How soon after you met with Walker did you
22 meet with his parents?

23 A. Oh, I would imagine days.

24 Q. Within a week?

25 A. No more than that.

1 Q. And then when you met with the parents, did
2 you then come to terms?

3 A. Yes.

4 Q. And sir, what -- what were the terms of your
5 representation respect -- with respect to how much you
6 were to be paid?

7 A. I believe I charged them \$10,000 to represent
8 their son and his criminal defense through -- up to and
9 including the trial, if it had to go that far.

10 Q. So it was a flat fee of \$10,000?

11 A. Correct. 0:57:38

12 Q. And -- and was this the first homicide case
13 that you were representing a criminal defendant in?

14 A. Yes.

15 Q. So with the terms of your agreement being
16 \$10,000 flat fee, you were going to get paid that
17 amount regardless of the effort that you spent on the
18 case. Is that fair to say?

19 A. That's fair to say. 0:58:18

20 Q. And did the parents -- was that a payment
21 that was made up front or -- or how did the payment of
22 that \$10,000 -- how was it made?

23 A. They -- I -- as I recall, it was made in
24 installments. I'm not sure how many installments, but
25 -- but it was made in -- in installments.

1 Q. Now once you agree and you come to terms to
2 represent Mr. Walker and -- with the parents, what did
3 -- what did you do next?

4 A. Oh, God. I don't recall what it -- what my
5 next step was.

6 Q. Up until the time that you had agreed to
7 represent him, was he being represented by the public
8 defender?

9 A. I don't know that. Perhaps, but I don't know
10 that, I don't recall that.

11 Q. But you didn't know of any other private
12 attorney who was representing him, correct?

13 A. That's correct, I did not. 0:59:45

14 Q. Now when you first met with Mr. Walker, did
15 you have -- did you have -- did you have any
16 documentation with you?

17 A. I don't recall.

18 Q. Do you have an independent recollection of
19 meeting with Mr. Walker?

20 A. Actually I do not. 1:00:34

21 Q. Did you -- do you recall if you metted him --
22 if you met with him just one-on-one?

23 A. Oh, sure, it -- he -- it would have been he
24 and I in -- in his -- in -- in whatever area of the --
25 that he -- that the -- the guards gave us for me to

1 interview him.

2 Q. Did you take notes of that meeting?

3 A. I'm sure.

4 Q. Do you know where those notes are located?

5 A. I do not.

6 Q. Did Mr. Walker explain to you why he had been
7 arrested?

8 A. I'm -- I'm sure he did. 1:01:38

9 Q. Did he tell -- did Mr. Walker tell you during
10 this meeting that police officers -- how police
11 officers had treated him during his arrest and his
12 detainment?

13 A. I have no independent recollection of that.

14 Q. What did he tell you was the reason he was
15 arrested?

16 MS. SAMUELS: Objection to the extent it
17 calls for attorney-client communications.

18 Q. Are you going to -- you can answer the
19 question.

20 MS. SAMUELS: Can he?

21 MS. SHOFFNER: Well, I mean you're not -- you
22 haven't -- you haven't asked -- said that he shouldn't.

23 MS. SAMUELS: He shouldn't. 1:02:39

24 MS. SHOFFNER: Or that he can't.

25 MS. SAMUELS: If it's attorney-client

1 privileged, he can't answer.

2 Q. Are -- are you going to answer the question,
3 sir?

4 A. I'm -- no, I'm not going to answer that
5 question.

6 Q. Did Mr. Walker tell you that the police had
7 kicked him?

8 A. I do not recall that.

9 Q. Did he tell you that the police had slapped
10 him?

11 A. I do not recall that.

12 Q. Did Mr. Walker ever tell you that he needed
13 to see a -- a doctor for treatment?

14 A. I do not recall that.

15 Q. Did Mr. Walker ever say to you that he had
16 not been given his Miranda rights?

17 A. I do not recall that. 1:03:37

18 Q. Did he tell you that he had given a statement
19 to -- to the police?

20 A. I don't -- I don't recall that.

21 Q. You don't recall whether or not Mr. Walker
22 had a --

23 A. I don't recall whether he told me he gave a
24 statement to the police.

25 Q. Did you know prior to meeting with Mr. Walker

1 that he had given a statement to the police?

2 A. I don't believe I did.

3 Q. Did Mr. Walker ever say to you that police --
4 the detectives made promises to him that he could go
5 home if he -- if he gave a video statement?

6 A. I don't recall that.

7 Q. During your meeting with Mr. Walker, did he
8 tell you that he had confessed to the murder of the --
9 of the victim, Marek Majdak?

10 A. I do not recall that. 1:04:47

11 Q. Did Mr. Walker tell you that the detectives
12 had fed him details of what to say in his confession?

13 A. I do not recall.

14 Q. Now when you met with Mr. Walker, did he tell
15 you that -- that he had an alibi for this -- for -- for
16 this charge?

17 A. I don't recall that.

18 Q. But you came to learn in the course of
19 defending him that he had an alibi, correct?

20 A. I believe that's correct.

21 Q. When -- when talking with Mr. Walker, did he
22 provide you with -- with the name of people who would
23 be witnesses in support of his case? During your --
24 and this is during your initial interview.

25 A. I don't recall that. 1:06:03

1 Q. What was your understanding of the charges
2 against him when you left Cook County Department of
3 Corrections after having met with Mr. Walker?

4 A. I believe I understood him to be charged --
5 or was going to be charged with first-degree murder.

6 Q. And did you have any understanding of what
7 evidence existed to support that charge?

8 A. It's hard for me to answer that because I
9 don't recall the -- the specifics of my meeting -- of
10 my conversation with Mr. Walker, so I can't answer
11 that.

12 Q. So I did -- I wasn't asking for the
13 specifics, I was just asking for a general -- a general
14 understanding of what sort of -- what your
15 understanding of the nature of the charges against him
16 and the evidence that -- that did or did not exist.

17 A. I don't -- I don't know that I have any
18 recollection of what I thought the nature of the
19 evidence was -- that he conveyed to me what the nature
20 of the evidence was against him.

21 Q. During your initial interview -- meeting with
22 Mr. Walker, did he mention Jovanie Long?

23 A. That name is familiar. I don't know when it
24 first came up, but that name is familiar.

25 Q. During your first meeting with Mr. Walker,

1 did he tell you that he thought Jovanie Long committed
2 the murder?

3 A. I have no -- I don't recall that. 1:08:05

4 Q. Other than hearing the name Jovanie Long, do
5 you have any memory of what your understanding was
6 relative to Jovanie Long?

7 A. As I sit here now, I do not.

8 Q. Now you leave the jail a few days later, you
9 meet with the parents, and you come -- and you come to
10 terms about what the financial commitment is to
11 represent them and they agree to that, and that amount
12 is \$10,000. Did I -- did I state that correctly?

13 A. I think that's correct. 1:08:56

14 Q. What else was discussed at that initial
15 meeting with the family?

16 MS. SAMUELS: Going to object to the extent
17 this calls for attorney-client communications.

18 A. And I -- I don't recall what else was
19 discussed.

20 Q. Had you met with anyone from the First
21 Defense Legal Aid association prior to meeting with the
22 family?

23 A. I -- I have no recollection of that. 1:09:42

24 Q. Did you meet with anyone other than his
25 relative, Mr. --

1 A. I don't recall who all I met with during the
2 course of my representation of Mr. Walker.

3 Q. Okay. We'll -- we'll go through that in a
4 little bit more detail, but -- but when you met with
5 the family, do you recall who was present?

6 A. Oh, jeez. No, I do not.

7 Q. Do you recall that his father was present?

8 A. I -- I believe that -- I believe that his
9 father and his mother were both present, but I do not
10 have a specific recollection of that.

11 Q. All right. So -- and you don't recall -- or
12 -- or -- any other conversation that took place at that
13 time. Is that fair to say?

14 A. That's fair to say. 1:10:48

15 Q. Did you talk about your strategy for how you
16 were going to defend the case?

17 A. I don't recall that.

18 Q. Did you discuss witnesses who would provide
19 testimony in support of -- of Xavier Walker?

20 A. I don't recall that.

21 Q. And what did you do once you agreed to
22 represent Mr. Walker?

23 MS. SAMUELS: Objection. Vague. 1:11:49

24 Q. What was the next step you did in order to
25 represent his interest?

1 A. I don't recall what my next steps were
2 regarding my representation.

3 Q. Well, did you -- did you file an appearance
4 on his -- on -- on his behalf with the court?

5 A. Most certainly, but I don't -- I -- I just
6 simply don't recall what the next step was. That's
7 what your question was, I don't recall what the next
8 step was.

9 Q. Were you provided information from the Cook
10 County State's Attorney relative to Mr. Walker's case?

11 A. Well, I have to believe that as I filed my
12 appearance, if the public defender's office had been
13 previously representing him, they would have turned
14 over whatever materials they had received from the
15 state, but I have no specific recollection of that.

16 Q. All right. Let me show you what I will mark
17 as Exhibit 1. All right. Sir, can you see the
18 document in front of you?

19 A. I do. 1:13:20

20 Q. I'm going to represent to you that this is
21 the document that was contained in your file, and it's
22 dated April 12th, 2001, and it says, "For Attorney Greg
23 Wilson." You see that there?

24 A. I do.

25 Q. And contained in this document is a list of

1 -- of different reports and lab biology. Do you recall
2 receiving this document?

3 A. No, I do not recall receiving it. I'm not --

4 Q. Do you --

5 A. I'm not -- I'm not -- I'm not disputing that
6 I received it, I just don't recall it.

7 Q. Right. And included in this report, a
8 listing of materials are -- are dates and documents
9 that were provided to you. As you sit here today, do
10 you know who provided those documents to you?

11 A. I do not.

1:14:30

12 Q. Once you filed your appearance in this case
13 and you started to represent Mr. Walker, did you have a
14 contact person at the Cook County public defender's
15 office who you worked with in any capacity?

16 A. I don't recall that I did.

17 Q. And as you sit here now, can you name one
18 person at the Cook County public defender's office who
19 knew about Xavier Walker's case?

20 A. I cannot.

21 Q. And so if I represent to you that these
22 documents were in your file, statements of various
23 witnesses, affidavits, and supp reports, would you have
24 any reason to believe that they -- these documents were
25 not provided to you?

1 A. If that be your representation, I would not
2 -- I have no reason to believe they would have not been
3 provided to me.

4 Q. But as you look at this file and having
5 reviewed your file, it's fair to say that many of these
6 documents are in your file, correct?

7 A. No. It's correct that that may have been
8 what I previously tendered to the public defender's
9 office, but where they currently are, I do not know.

10 Q. I'm sorry, say that -- say that again? 1:15:59

11 A. I -- I said that the -- that that -- this
12 statement -- this document -- those documents may be
13 what was previously tendered to me and I may have given
14 them to Mr. Winston's office when I turned over my
15 briefcase with the file information in it, but --

16 Q. Understood.

17 A. But I do not today know the whereabouts of
18 that --

19 Q. I understand. So in other words, you're
20 saying you don't dispute that these documents were
21 provided to you. They may -- they may or may not be in
22 your file, but given that you provided a briefcase full
23 of documents to Mr. Winston, they -- they may not be in
24 your file currently, correct?

25 A. That's what I'm saying, yes.

1 Q. Now the -- the -- the -- at the top of the
2 document it says, "Tendered on April 12th, 2001." You
3 see that there?

4 A. I see it. 1:17:07

5 Q. I represent to you that Mr. Walker was
6 arrested on May 28th. Is there any reason to believe
7 that you would have not been hired to defend him by
8 April 12th, 2001?

9 A. I do not recall when I was hired to defend
10 Mr. Walker, but I would -- I would presume it was some
11 time prior to April 12, 2001.

12 Q. All right. Now I realize that this was your
13 -- your first homicide case, but you -- you did work --
14 you did have a number of felony cases that you had
15 worked on in the past, correct?

16 A. Correct. 1:18:08

17 Q. When you come on as counsel for the
18 defendant, are these the type of documents that you
19 typically get from the public defender or are these the
20 kind of documents that you would receive from the Cook
21 County State's Attorney?

22 A. Well, depending upon the nature of the case
23 involved, they -- they could or could not be, yes.

24 Q. They -- they could have come from the Cook
25 County public defender's office, is that what you're

1 saying?

2 A. Or the State's Attorney's Office, yeah.

3 Q. Or they could have come from the -- but as
4 you sit here, you don't know where they came from?

5 A. That's correct.

6 Q. Okay. And then I take it that once you
7 receive this file, you had an opportunity to review the
8 contents, correct?

9 A. Certainly. 1:19:13

10 Q. And so you as early as April 12th -- or give
11 or take a day or two, a few days, you were in
12 possession of the statement from Mary Curry, correct?

13 A. It would seem.

14 Q. The statement of Jovanie Long?

15 A. It -- it would seem.

16 Q. The statement of -- of Xavier Walker?

17 A. It would seem.

18 Q. The statement of Ashanti Wright?

19 A. Yes.

20 Q. And the statement of Maurice Wright?

21 A. Yes. 1:20:00

22 Q. And then it also indicates "Trans." In your
23 mind, does that -- do you take that to understand it's
24 a transcript?

25 A. I do not take -- I don't know what that

1 means.

2 Q. Do you recall receiving transcripts from the
3 grand jury indictment, the hearing?

4 A. I do not recall, but I would certainly
5 presume I would have received a copy of the grand jury
6 transcripts of varied witnesses.

7 Q. All right. And I kind of jumped over -- I'm
8 realizing now that there's two -- there's two rows of
9 documents. On the left side it says, "60 CRs" -- "60
10 CR" -- looks like "60 CR (2)," and then it says,
11 "Supp." You see that there?

12 A. I do.

13 Q. Are you -- are you --

14 MS. SAMUELS: Objection that it --

15 MS. SHOFFNER: I'm sorry? 1:20:50

16 MS. SAMUELS: That's "GO" -- it's "GLTR."

17 MS. SHOFFNER: Oh, general -- okay. I --

18 Q. What's your understanding of what that says,
19 sir?

20 A. Well, it's -- it looks to me as though it is
21 "60 CR (2) Supp S-2000."

22 Q. But it could also be "GO," as in general
23 order, correct?

24 A. I -- could it be? It certainly could be.

25 Q. Okay. But then below there, there is a

1 series of dates, and -- and then behind each date, it
2 -- there's parens for the number of pages, correct?

3 A. I -- well, there's a paren there with a
4 number. I don't know what that number represents, but
5 yes.

6 Q. Fair to say. So it says, "5/13," in paren,
7 "11"?

8 A. Correct. 1:21:47

9 Q. And then it goes straight on down a list of
10 -- of dates and pages that were submitted, and then
11 beneath that it says, "CB Long, CB Walker." Do you
12 know what that stands for?

13 A. I do not.

14 Q. If it stood for -- would you have any reason
15 to dispute that it stands for "criminal background"?

16 MS. SAMUELS: Objection. Foundation.

17 A. I -- I have no -- I -- I don't have any
18 reason to dispute or not dispute it. I don't know what
19 it means.

20 Q. Okay. All right. And so you are presented
21 with all this information on or around April 12th,
22 2001, and you have no reason to dispute that either,
23 correct?

24 A. I -- I -- I see the document, I do not
25 dispute what it -- is contained on this sheet.

1 MS. SHOFFNER: Okay. Can we take about a
2 five-minute break just for a comfort break?

3 RECORDER: Okay.

4 WITNESS: Sure. 1:22:59

5 MS. SHOFFNER: All right. We --

6 RECORDER: -- record, 11:29 a.m.

7 (Off the record)

8 RECORDER: Back on the record, 11:39 a.m.

9 Q. All right. Mr. Wilson, when you agreed to
10 take on this case defending the homicide charges
11 against Mr. Walker, were you the only person that was
12 working on this case?

13 A. Yes.

14 Q. Did you have any -- did you have a support
15 staff or a secretary?

16 A. No.

17 Q. No secretary? 1:23:43

18 A. No, I was a -- I was a -- a one-man show --
19 shop.

20 Q. And did you have anyone to sort of bounce off
21 ideas about how to defend the case?

22 A. Well, I have several friends and -- and
23 acquaintances who are also lawyers, and from time to
24 time I would talk to them about various things about
25 the case that I had questions about.

1 Q. Had you previously hired an investigator to
2 help you with a case?

3 A. No.

4 Q. And did you hire an investigator to help you
5 with this case?

6 A. No.

7 Q. Did you have help writing any motions or
8 briefs during the course of this case?

9 A. No. 1:24:46

10 Q. Did you have any assistance in interviewing
11 any witnesses?

12 A. No.

13 Q. Did you come to know John Connor in his
14 defense of Jovanie Long?

15 A. I have a vague recollection of having met him
16 and -- and talked to him about our respective clients,
17 but I -- but that's as far as I can recall.

18 Q. Did you guys split up the work of trying to
19 find witnesses?

20 A. We did not. 1:25:53

21 Q. And I -- I know that you said you hadn't done
22 any murder trials before, but had you done any appeal
23 work, like work with any --

24 A. No.

25 Q. Had you ever filed an appeal with the

1 appellate court?

2 A. No.

3 Q. Now are you familiar with the First Defense
4 Legal Aid association -- First Defense Legal Aid?

5 A. I'm sorry?

6 Q. Are you familiar with First Defense Legal
7 Aid?

8 A. I am not, no.

1:26:42

9 Q. Did you come to know Deborah Bedsole, an
10 employee of First Defense Legal Aid, during your
11 representation of Jovanie Long (sic)?

12 A. That's -- that's -- I don't recall that I
13 did. That name is not -- I'm not familiar with that
14 name.

15 Q. And as you sit here today, you are not
16 familiar with the First Defense Legal Aid?

17 A. Correct.

18 Q. Are you aware -- and just to refresh -- does
19 it refresh your recollection if I tell you that First
20 Defense Legal Aid is an organization that deploys
21 lawyers to the courthouse to help represent criminal
22 defendants or people charged in connection with crimes?

23 A. I -- I accept your representation, but I
24 still have no recollection of them.

25 Q. And -- and as we sit here today, you have no

1 idea what First Defense Legal Aid does. Is that fair
2 to say?

3 A. Fair to say. 1:28:02

4 Q. Well, do you recall -- do you recall asking
5 Deborah Bedsole to serve as a witness in the motion to
6 suppress hearing involving Xavier Walker?

7 A. No, I do not.

8 Q. Now prior to representing Mr. Walker, had you
9 previously represented him before?

10 A. I'm not sure about that to be honest with
11 you. I don't -- I don't know. I don't recall that I
12 did or didn't.

13 Q. And I'm sorry, what did you say was the name
14 of his relative who referred -- referred this case?

15 A. Andrew (sic) Pettigrew. 1:29:02

16 Q. And that's P-e-t-t --

17 A. R-i-g-r-e-w (sic).

18 Q. D-r -- okay. Did you know Xavier's -- any --
19 any of Xavier Walker's sisters --

20 A. No.

21 Q. -- prior to representing him? Okay.

22 A. No.

23 Q. So when you get a case that's a major felony,
24 after you've -- what do you -- what do you typically do
25 after you file your appearance for a defendant?

1 A. I'm not sure I understand your question. 1:29:52

2 Q. Once you file your appearance and you're
3 presented with statements and videotapes and evidence,
4 what do you typically do in a case of this magnitude?

5 A. I would typically review all of the documents
6 presented to me and take notes on any of the presented
7 items that I deemed to be relevant.

8 Q. And then -- and then after you review and
9 take notes, do you meet with your client again?

10 A. I'm certain -- I'm sure I do, yes. 1:30:30

11 Q. I'd like to show you what's marked as Exhibit
12 2. Well, all right, let me just -- hang on, I got to
13 -- I got to get the next exhibit. All right. I'm
14 showing you what's been marked as Exhibit 2. Sir, at
15 the time that you -- during the time that you were
16 representing Mr. Walker, what -- what was your -- do
17 you -- do you recall what your phone number was?

18 A. Huh, I do not. 1:31:37

19 Q. All right. What's your current phone number?

20 A. 773-860-4422.

21 Q. I'm showing you what's been marked as Exhibit
22 2, and it's FDLA Production Group Exhibit 2, Bates
23 stamped BS 10 through 19, which was contained in your
24 file.

25 m This is Misha. I don't see that on the screen,

1 Robin.

2 MS. SHOFFNER: Oh, you don't see the
3 document?

4 m No.

5 MR. MILLER: You just have the -- the folders
6 up there --

7 A. I don't -- 1:32:20

8 MR. MILLER: -- without opening the document.

9 MS. SHOFFNER: Okay. Huh, it's on my screen.

10 All right. Let's just -- hang on. Hang on just a
11 minute here, guys. Let's see. These look to all be
12 the same thing -- all right. I -- hang on a second.
13 Huh. All right. Let's go with that.

14 Q. Can you see it now? 1:34:26

15 A. I see a document dated May 30, 2000, entitled
16 "Attorney-Client Privilege," from Deborah Bedsole to
17 file.

18 Q. Yes, that's the document. And it's Bates
19 stamped BS 10 through 19. I represent to you that this
20 document is contained in your file. Do you have any
21 reason to object -- to dispute that?

22 A. I do not. 1:35:03

23 Q. All right. So I'd like for you to take a
24 minute to review this document.

25 A. I can't read anything beyond what's contained

1 in the "11:00 a.m." paragraph.

2 Q. Okay. Whoops, sorry. Now when you finish
3 that page, I'd like to just take you down to page 4 and
4 ask you about on the left side, you see that
5 handwriting right there?

6 A. I do. 1:37:33

7 Q. Is that your handwriting?

8 A. I believe so.

9 Q. Okay. Does -- does seeing at least the first
10 page of this document refresh your recollection that
11 you -- that there was a -- there was a person from the
12 First Defense Legal Aid who had actually interviewed or
13 met with Mr. Walker when he was placed in -- under
14 arrest?

15 A. Actually it does not, but it would -- but
16 based on the statement, the document, it would seem so,
17 but it does not refresh my recollection.

18 Q. And on the first page of this document -- and
19 we'll go through it in more detail, but on the first
20 page of this document on the right-hand margin, it has
21 a little star by a paragraph. Do you see that?

22 A. I do. 1:38:34

23 Q. Is that a -- is that a -- a notation that you
24 made when you read the paragraph?

25 A. I can't answer that, I don't know, but I do

1 know that the -- to the left of that, where it -- it --
2 the -- where "trademark" is crossed out and "tread
3 mark" is written in, that is not my writing, so I don't
4 know if I -- I don't know anything about the -- what's
5 on -- contained on the -- in the right-hand margin.

6 Q. Okay. Did you meet with Xavier to discuss
7 this document?

8 A. I don't recall. I -- I got to believe I did,
9 but I don't recall.

10 Q. After reviewing this document and reviewing
11 the documents that had been provided to you by either
12 the Cook County public defender's office, did you then
13 meet with Xavier to discuss this case?

14 A. I do not recall. 1:40:00

15 Q. Would it make sense to you to have met with
16 him after you had discussed -- after you had reviewed
17 this document and after you had reviewed the documents
18 that were provided to you by the -- the State's
19 Attorney's Office?

20 A. That would have made sense, yes.

21 Q. Starting in June of 2000, about how often
22 would you meet with Xavier Walker?

23 A. I can't -- I have no recollection of how
24 often I met with -- with Xavier.

25 Q. But would you go to the Department of

1 Corrections, like, once a week?

2 A. Well, certainly whenever I met with him, it
3 was at the Department of Corrections, because that's
4 where he was housed, but I don't know how often it was.

5 Q. But generally was it once a month, once a
6 week, once every two months, how often would you go to
7 the --

8 A. I -- I've --

9 Q. -- department -- 1:41:07

10 A. -- I've got to believe it would have been at
11 least a couple of times a month, but I'm not for sure.

12 Q. So now that you're representing him and you
13 have this material -- the -- the materials, reports,
14 did Mr. Walker tell you that he had an alibi?

15 A. I -- I don't -- I don't know -- don't recall
16 that he offered up an alibi based upon this material
17 that's -- based upon this material.

18 Q. Mr. Walker tell you that he had gone to a
19 club called the Wax Factory?

20 A. I don't recall that. 1:42:08

21 Q. Do you recall that he told you that he
22 borrowed his sister's car and went to the Wax Factory
23 with some friends?

24 A. I -- I have a vague recollection of him
25 having told me he had his sister's car and he went

1 somewhere, but where I don't recall.

2 Q. Did he tell you that he went -- that he was
3 with friends during the course of the evening and that
4 those friends would provide an alibi?

5 A. I don't recall that.

6 Q. Did he provide you with the name of Deon
7 Baylock?

8 A. That name is not familiar. 1:42:57

9 Q. Did he provide you with the name of Simeon
10 Dorsey?

11 A. That name is familiar, but I don't know when
12 or -- it was provided or by whom, but the name is
13 familiar.

14 Q. Now reading further into this document --
15 well, let's just start up here. Did Xavier tell you
16 that when police came to arrest him that he tried to
17 run?

18 A. I don't recall that. 1:43:58

19 Q. In this paragraph, it says, "They chased him
20 until they caught him." Do you see that -- did he tell
21 you that the police officers chased him -- in that
22 paragraph, it says, "The same detective kicked Xavier
23 in the stomach, causing him to double over." Do you
24 see that there?

25 A. I see it.

1 Q. Did he tell you that the officers kicked him
2 in the stomach when he was --

3 A. I don't --

4 Q. -- being placed into custody?

5 A. I don't recall that.

6 Q. And then he says, "He was then thrown to the
7 ground, handcuffed, and put in the car." You see that
8 there?

9 A. I do.

10 Q. Did Xavier tell you that that's what happened
11 to him when he was placed into custody?

12 A. I don't recall that.

13 Q. Do you have any reason to dispute that?

14 A. I don't recall that. I -- I don't know -- I
15 have no basis to dispute or accept it. I don't have
16 any recollection.

17 Q. Okay. I just wanted to know if you had any
18 reason that -- to -- to disbelieve that or to not
19 believe it happened.

20 A. No, I do not. 1:45:04

21 Q. And then further down, and -- and it's
22 underlined, it says, "Xavier was not read his Miranda
23 rights at the time of his arrest or during his
24 transport to area four." Do you recall Xavier telling
25 you that?

1 A. I do not recall.

2 Q. Now after you met -- after you had a chance
3 to review Xavier's statement and -- and his confession
4 and the statements of the other individuals that --
5 that made statements and have testified and you met
6 with Xavier, did he tell you that the reason he gave
7 the statement to the detectives is that they would let
8 him go if he just made a statement?

9 A. I don't recall that.

10 Q. Do you recall him saying that he would not be
11 charged if he made a statement?

12 A. I do not recall that. 1:46:13

13 Q. Did he tell you that once he was at area
14 four, he was -- he was locked in a room with no
15 windows?

16 A. I have no recollection of that.

17 Q. Do you have any notes that reflected your
18 meeting with him after you -- after you met with him?

19 A. I don't know if I currently have any such
20 notes or if I ever had any such notes.

21 Q. If you had those notes, would you make them
22 available?

23 A. If I had those notes, I would certainly make
24 them available.

25 Q. And if those notes exist, are you permitting

1 everyone to take a look at them?

2 MS. SAMUELS: Well, we're going to object to
3 the extent that he's agreeing to produce
4 attorney-client privileged information.

5 Q. Sir, are you agreeing to -- to allow us to
6 look at those documents?

7 MS. SAMUELS: He can't waive attorney-client
8 privilege. It's on the client.

9 A. I don't think I'm going to agree to that,
10 Counsel.

1:47:33

11 MS. SHOFFNER: Jeanette, let's just --
12 Jeanette, I do take issue with your characterization
13 that he cannot waive his attorney-client privilege,
14 that is absolutely not true. In fact the attorney
15 -client privilege has already been waived by virtue of
16 the production of his notes in this case.

17 Q. And so, sir, there -- your -- I mean, you can
18 assert the privilege to the extent you think it's --
19 it's -- that you can assert the privilege to the extent
20 you haven't already waived it by having produced the
21 notes, but we maintain that the privilege no longer
22 exists. If there are any other notes, will you agree
23 to produce them, sir?

24 A. I -- I think that if I have not -- I -- I've
25 -- I've produced what I produced and -- and I have no

1 reason to believe that I have anything further to
2 produce.

3 Q. But you also stated that many of your notes
4 were taken by a -- by a public defender and that you
5 don't know if they were all returned to you. You've
6 produced all the notes that you have in your
7 possession. Is that fair to say?

8 A. That is fair to say. 1:48:46

9 Q. And to the extent that there are other notes
10 out there, do you agree to produce those as well?

11 A. I cannot make any representation on there
12 being other notes out there because I have no
13 recollection of that. I don't know if there are other
14 notes out there.

15 Q. But if there are other notes out there, you
16 haven't withheld anything thus far, correct?

17 A. I have not withheld --

18 MS. SAMUELS: Objection. Asked and answered.

19 Q. I'm sorry?

20 MS. SAMUELS: Asked and answered.

21 Q. Oh, no, sir, go ahead.

22 A. I have not withheld anything, but I have no
23 way of knowing whether there are notes out there, and
24 if they are out there, how would I have them?

25 Q. Not whether you would have them, it's whether

1 you would agree for them to be produced.

2 MS. SAMUELS: Same objection as before. 1:49:37

3 Q. All right. Continuing to look at this page,
4 and we're just going to go through this to see if it
5 refreshes your recollection. Let me know when you
6 finish.

7 A. I'm at the paragraph now with "Boo Boo, real
8 name unknown." Okay, I finished that paragraph.

9 Q. All right. And the third paragraph, the last
10 line, it says, "The detectives came back and told
11 Xavier they had spoken to them but they" -- hang on.

12 A. Sorry, where are you reading from, Counselor? 1:50:47

13 Q. I -- I'm sorry, I'm looking at the last --
14 third paragraph that starts off with, "Xavier kept
15 trying to tell the detectives that he was not
16 involved."

17 A. Okay. Okay.

18 Q. And then if you read further along starting
19 right here, do you see my arrow?

20 A. Yes.

21 Q. "Xavier gave the detectives the names of his
22 friends who had -- who he had been with, Simeon and
23 Deon, last name" -- I suspect that means "last name
24 unknown." "Simeon and Deon." You see that there?

25 A. I do.

1 Q. Does that refresh your recollection that --
2 that Xavier told you he had been with Simeon and Deon?

3 A. It does not.

4 Q. And then the next paragraph, the name "Boo
5 Boo," you see that there?

6 A. Yes.

7 Q. Did you ever come to know who Boo Boo was?

8 A. I did not. 1:51:48

9 Q. Did you ever come to know the name Antwoine
10 Waddy?

11 A. Not that I can recall.

12 Q. All right. Let's go to the next page. After
13 the first paragraph, you can stop.

14 A. Okay. 1:52:45

15 Q. Did Xavier ever tell you that they forced a
16 confession out of him?

17 A. I do not recall that.

18 Q. Do you -- do you recall that Xavier even gave
19 a confession in this case?

20 A. I do not recall that.

21 Q. You don't -- you don't recall that Xavier
22 Walker gave a videotaped confession in this case?

23 A. No, I do not recall that.

24 Q. Do you recall that Xavier said that they
25 would not allow him to eat or -- or let him use the

1 bathroom?

2 A. No, I do not. 1:53:39

3 Q. You don't remember any of the circumstances
4 associated with Xavier Walker giving a videotaped
5 confession?

6 A. That is correct.

7 Q. And you have no memory of any conversations
8 with Xavier Walker about having given a videotaped --

9 A. That is correct. 1:54:24

10 Q. Once you got the file in this case and you
11 saw that he had given a confession and that there were
12 witness statements that he had committed the crime,
13 what was your strategy to defend his case?

14 A. As -- as I sit here today, I cannot tell you
15 what my strategy was 20 years ago. I -- I don't
16 recall.

17 MS. SHOFFNER: All right. I need to take a
18 break for about five minutes.

19 WITNESS: Okay. 1:55:44

20 RECORDER: Okay. Off the record, 12:12 p.m.

21 (Off the record)

22 RECORDER: Back on the record, 12:21 p.m.

23 Q. All right. Mr. Wilson, I still have the
24 document, and I'm on BS 10 -- sorry, BS page 13, and
25 the paragraph that I am focused on --

1 A. I don't see it. I -- there's no document
2 before me.

3 Q. Oh. Okay. Let's see if I need to share
4 this. Okay. Hang on. It's -- can you see it now?

5 A. I see it. 1:56:44

6 Q. All right. Great. So scrolling down to page
7 4, you indicated earlier that that's your handwriting,
8 correct?

9 A. Correct.

10 Q. Now I can't quite read what that says. Can
11 you tell me what that says in the first line?

12 A. The --

13 Q. "Once in" -- it says, "Once in Cicero, they
14 saw Boo Boo, Jovanie, a boy named Boss Hog, and two
15 girls, Shontae and Chavanna."

16 A. Yes.

17 Q. And then you have -- and then what does that
18 say?

19 A. I circled it and I said, "Who are they?
20 Where are they?"

21 Q. All right. And then -- and then near the end
22 of that paragraph, it says, "After Jovanie got in the
23 car, he told Xavier, 'I just killed this mark.'
24 Jovanie told Xavier how he had been selling some drugs
25 to a man in a van and the guy didn't want to pay, so he

1 shot and killed him. Xavier was shocked and did not
2 know what to do. He continued driving to the Wax
3 Factory." You see that there?

4 A. I do. 1:57:57

5 Q. Does that refresh your recollection as to
6 what Jovanie -- I mean as to what Xavier Walker
7 believed or told you?

8 A. It does not actually.

9 Q. Okay. And to the left of that, your -- what
10 do your comments say?

11 A. So at -- it seems that -- I said, "Did Simeon
12 and Deon hear this?"

13 Q. And when you asked that question, to your --
14 I'm sure it's your -- your -- as you're reading this,
15 you're wondering this, but did you ever ask that
16 question to Xavier, whether or not Simeon and Deon hear
17 Jovanie say that he just killed the mark?

18 A. I don't know that I did. I -- I would think
19 that I did, but I don't -- I can't say that I did.

20 Q. You don't know one way or another whether or
21 not you discussed with Walker, Xavier Walker, whether
22 or not Simeon and Deon heard Jovanie say that he just
23 killed the mark?

24 A. Correct. 1:59:02

25 Q. Did Walker ever tell you that Jovanie told

1 him that he just killed the mark?

2 A. I don't recall that.

3 Q. All right. And then -- and the -- and the --
4 sorry to jump around here, but in the paragraph right
5 before that -- could you take a look at that paragraph?

6 A. "Once in Cicero"?

7 Q. No, it's right under "Alibi."

8 A. Okay. 1:59:57

9 Q. Now in the course of investigating or
10 representing Walker, did you attempt to help develop an
11 alibi for Xavier Walker?

12 A. I don't recall whether I did or didn't, to be
13 honest with you.

14 Q. All right. But it -- it says that Xavier
15 provided information about what actually happened that
16 night. "Xavier was" --

17 A. I see --

18 Q. Okay. It says, "Xavier was with friends in
19 his basement and that he -- that he shares with his
20 sister Sheleah. These friends were Charles, Quinton,
21 Marvin Mosley, Simeon, Deon." You see that there?

22 A. I do. 2:00:52

23 Q. Do you recall that Xavier ever shared this
24 information with you?

25 A. I do not recall that.

1 Q. So he could have shared it with you but he
2 may not have, correct?

3 A. That is correct.

4 Q. As you sit here today, is there any reason
5 why he would not want to share this information with
6 you?

7 A. I have no way of -- of answering it. I -- I
8 have no -- no idea.

9 Q. But as you sit here today, is there any
10 reason why he would not want to share this information
11 with you as his defense attorney?

12 MS. SAMUELS: Objection.

13 A. None that I can think of.

14 MS. SAMUELS: Asked and answered.

15 Q. All right. "Everyone was in the apartment
16 from 9:00 p.m. to 12:00 p.m." You see that there?

17 A. Yes.

18 Q. And is there any reason -- well, first of all
19 did -- did Xavier tell you that everyone was in the
20 apartment from 9:00 to 12:00?

21 A. I don't recall that Xavier -- what Xavier
22 told me about that.

23 Q. All right. It says here, "Martin (sic),
24 Quinton left in a separate car to go to the club called
25 the Wax Factory," and then -- and then the next

1 sentence, "Xavier had just gotten his license and asked
2 his other sister, Sharon (phonetic) Walker, if he could
3 borrow her green Ford Taurus to go a restaurant." You
4 see that?

5 A. I do.

2:02:12

6 Q. Does that refresh your recollection that
7 Xavier had borrowed his sister's car to go to -- out to
8 eat?

9 A. It does not.

10 Q. If that was relevant to this case, would you
11 have confirmed that information with his sister?

12 A. I got to believe I would have.

13 Q. And is there anything in your notes that
14 reflect that Xavier was driving that green Ford Taurus
15 that night?

16 A. I no longer know what's in my notes.

17 Q. All right. And then the next sentence, it
18 says, "Xavier didn't tell Sharon that he was going to
19 the club or that 13-year-old Deon was going with Xavier
20 and Simeon because she would have never let him borrow
21 the car. Sharon let him -- lent him the car and he and
22 Simeon left to pick up Deon down the street." You see
23 that there?

24 A. I do.

2:03:13

25 Q. And that still doesn't refresh your

1 recollection that Deon and Simeon were -- were with --
2 were with Walker that night?

3 A. It does not.

4 Q. It says here, "Xavier is a former member of
5 the Imperial Insane gang." You see that there?

6 A. I do.

7 Q. Did you ever come to learn from Walker that
8 he was a member of the Imperial Insane gang?

9 A. I don't recall that.

10 Q. Did you come to learn from any other source
11 that he was a member of the Imperial Insane gang?

12 A. I do not have any recollection of that. 2:03:55

13 Q. Okay. All right. I'm going to scroll down,
14 and it says here next, "The club was open till 3:00
15 a.m. They met Xavier's friends there. After the club
16 closed, they rode around some more until Jovanie said
17 he wanted to go to Bubbles' house on Division and
18 Central." You see that there?

19 A. I do.

20 Q. Did -- did Xavier ever tell you that that is
21 in fact what happened?

22 A. I do not recall.

23 Q. Well, it may have happened, it may not, you
24 just don't know?

25 A. Correct. 2:04:53

1 Q. And you have no knowledge of anyone ever
2 telling you that as you sit here today?

3 A. Correct.

4 Q. All right. And the last sentence on that
5 page carried over to the next page, it says, "Xavier
6 described Jovanie as 'acting real crazy, aggressive,
7 flaring up at everyone, trying to pick -- trying to
8 pick'" -- to the next page, "'fights with everyone.'
9 Xavier was afraid of him and didn't know how to get him
10 out of the car." You see that there?

11 A. I do see that.

12 Q. Did -- did Xavier ever tell you that during
13 the course of the night that he was -- that he had
14 encountered Jovanie and that he was afraid of him?

15 A. I do not recall.

16 Q. Do you recall Xavier Walker saying to you
17 that he saw something that he wish he had not seen?

18 A. I do not recall that.

2:05:57

19 Q. All right. Reading that paragraph, "When
20 they got to Bubbles' house, they found Boo Boo was
21 asleep in -- in a gray two-door Regal parked outside.
22 Jovanie woke Boo Boo up and made him get in the car
23 with them. Xavier told Boo Boo that Jovanie had said
24 -- what Jovanie had said about killing someone. Xavier
25 told Boo Boo that they should not -- they shouldn't

1 have let Jovanie drink that much because he always gets
2 crazy when he drinks." Do you recall Walker telling
3 you that about Jovanie Long?

4 A. I do not. 2:06:54

5 Q. If he had told you that, would that have been
6 something that you would put in your notes?

7 A. I would think I would have.

8 Q. All right. Next, "Boo Boo acted surprised at
9 what Xavier was telling him and at first said, 'Quit
10 playing, y'all playing with me.' Jovanie then told Boo
11 Boo that it was true. Jovanie got in the driver's seat
12 of the car. Xavier wanted him out of the car and knew
13 he was too drunk to drive. He convinced Jovanie to
14 stop at a Shell station at Division and Central.
15 Jovanie got into a heated argument with the gas station
16 attendant. Jovanie continued to drive the car as they
17 left the station. Boo Boo and Deon were acting scared
18 of Jovanie." Does that refresh your recollection about
19 what transpired -- transpired after they left the club?

20 A. It does not. 2:07:55

21 Q. And as you sit here today, you don't recall
22 having talked to Simeon, correct?

23 A. Correct.

24 Q. You don't recall talking to Deon?

25 A. Correct.

1 Q. You don't recall talking to Boo Boo?

2 A. Correct.

3 Q. All right. So then it says, "Back -- Jovanie
4 drove back to Cicero and Boo Boo's house. Jovanie
5 pulled into a side alley. Jovanie tried to convince
6 Xavier to go over to the van and wipe Jovanie's
7 fingerprints off the side of the van." You see that
8 there?

9 A. I do see that.

10 Q. Did Walker tell you that Jovanie tried to
11 convince him to go to the van and wipe off the
12 fingerprints?

13 A. I do not recall that.

14 Q. You don't recall it, so it may have happened,
15 he may have told you, he may not have told you. Fair
16 to say?

17 A. That's fair to say. Counselor --

18 Q. And -- hmm?

19 A. -- let -- let me just be clear about this. I
20 don't really recall as I sit here today anything that I
21 said or did for Xavier Walker back 20 years ago.

22 Q. I understand.

23 A. Okay.

24 Q. Hard to recall 20 days ago at some point,
25 isn't it?

1 A. Sometimes.

2 Q. All right. But the next line, "Xavier could
3 see police in the area and saw a van with its blinker
4 lights still on. Xavier refused Jovanie's request.
5 The two argued, but Jovanie -- Jovanie finally said,
6 'Forget it,' and got out of the car with Boo Boo." You
7 see that there?

8 A. Yes.

9 Q. All right. That doesn't refresh your
10 recollection about him wiping the prints off the car or
11 being asked --

12 A. It does not. 2:09:46

13 Q. -- to wipe the prints off the car? Okay.
14 And then the next line -- the next paragraph -- let me
15 just scroll down, "Xavier returned home. Xavier
16 believes that his friends Deon and Simeon will verify
17 his whereabouts that evening. He does not think that
18 the detectives ever bothered to speak with them. He
19 also believes that 17-year-old Chavanna will testify in
20 his behalf." Do you see that there?

21 A. I do see it.

22 Q. Does that refresh your recollection that
23 maybe you would attempt to contact Deon and Simeon to
24 get -- to get Xavier Walker's story that night?

25 A. It does not.

1 Q. And with respect to 17-year old-Chavanna, did
2 you ever -- do you know -- did you make any effort to
3 contact her?

4 A. I have no recollection of that. 2:10:52

5 Q. Okay. Now I want to scroll down to this next
6 page, and it says, "First Defense Legal Aid." See that
7 there?

8 A. I do.

9 Q. Does that -- seeing that logo and that name,
10 does that refresh your recollection about the nature of
11 this organization?

12 A. It does not.

13 Q. You see where it says to the left, "Client
14 information"?

15 A. Yes.

16 Q. And then it says, "Client's full name"?

17 A. Yes.

18 Q. And then it says, "Xavier Walker"?

19 A. Yes.

20 Q. Now to the left of that, is that your
21 handwriting?

22 A. To the right of that or to the left -- to --

23 Q. I'm sorry, to -- to the right, I'm sorry.

24 A. Where it says, "Dark skinned black male"?

25 Q. Yes. 2:11:49

1 A. No, that is not my handwriting.

2 Q. Okay. And then scrolling down the page in
3 the paragraph seven, there is writing right above it.
4 Can you -- can you -- is -- is that your handwriting,
5 this -- this --

6 A. That is not.

7 Q. -- this right here, the -- where it says --
8 looks like, "Can see fist," or something?

9 A. Yeah, I see what you're referring --

10 Q. But that's not your writing?

11 A. Yeah, that's not my handwriting.

12 Q. Okay. And then in the next line down it
13 says, "XW described being slapped in the face at least
14 four times by detectives. Also be -- described being
15 kicked in the stomach by arresting officer." Did I
16 read that correctly?

17 A. Yes.

18 Q. But I can't quite make out the -- the rest of
19 it, but you didn't write that, did you?

20 A. Correct, I did not. 2:13:06

21 Q. Okay. Now at the time I -- at the time you
22 were receiving this information, did you come to
23 understand that Deborah Bedsole was representing Xavier
24 Walker?

25 A. Well, based upon her name being at the bottom

1 of the last page of this document, I -- I -- I presume
2 that I did come to understand that she represented --
3 was -- had been representing Xavier Walker.

4 Q. And -- and you understood that she -- she
5 authored this document after having met with Xavier and
6 interviewed him, correct?

7 A. I -- I -- I don't know what I understood
8 about that, but I presume that to be true.

9 Q. Okay. Now you understood at some point that
10 Xavier was -- was -- that there was a grand jury
11 convened for an indictment in this case. Is that fair
12 to say?

13 A. I -- that's fair to say. 2:14:50

14 Q. Were you -- were you able to attend any of
15 the grand jury hearing?

16 A. I did not.

17 Q. And is that in part because you hadn't been
18 hired yet?

19 A. I can only presume that to be the case.

20 Q. Do you recall how soon after the grand jury
21 hearing was held that you got involved in the case?

22 A. I do not.

23 Q. Do you -- did you come to learn who testified
24 at the grand jury?

25 A. I don't recall that I ever came to learn who

1 testified before the grand jury.

2 Q. And do you recall that there were certain --
3 certain witnesses who gave statements?

4 A. I have no recollection of that. 2:15:44

5 Q. Okay. Let's -- I don't mean to share this
6 one, hang on. Can you see the case supp report that's
7 up in front of the screen?

8 A. The case supplement report? Yes, I see that.

9 Q. Okay. All right. Are you familiar with the
10 CPD case supp reports?

11 A. I am familiar with it, yes.

12 Q. And -- and -- and typically when you
13 represent criminal defendants and you receive
14 information from the State's Attorney or the public
15 defender or even -- you recall getting the -- the case
16 supp reports that are completed by Chicago police
17 officers?

18 A. I do recall getting -- receiving such
19 information. 2:17:10

20 Q. All right. And I'm going to represent to you
21 these are all case supp reports that come from your
22 file, the Bates stamp numbers are BS 543 through 551,
23 554 through 557, and 568 through 570. Now in this
24 case, there were -- because of the nature of the -- the
25 crime, homicide, there were a number of supp reports

1 done, and I'll represent to you that these documents
2 are part of supp reports but not all the pages of every
3 supp report. Showing you what's marked as BS 543,
4 there is a page that says, "Notifications," and then
5 there is a page here that says, "Witnesses." Do you
6 see that there?

7 A. I do. 2:18:34

8 Q. And then right underneath it, it says,
9 "Antwoine Waddy," correct?

10 A. Yes.

11 Q. And then it has his age, his date of birth,
12 his address, his phone number, correct?

13 A. It has that information there, yes.

14 Q. And -- and the same information is there for
15 Maurice Wright and Ashanti Wright and Mary Curry. You
16 see that there?

17 A. I do.

18 Q. And then also below is, "To be
19 re-interviewed, Hershurla Byrd." Do you see that
20 there?

21 A. Yes.

22 Q. It has her date of birth, Social Security
23 number, it says that she has no phone but it does have
24 an address, correct?

25 A. Correct. 2:19:20

1 Q. And then as we scroll down, it has -- it has
2 summaries of what these witnesses said and summaries of
3 their reports, including the interview with Xavier
4 Walker. You see that there?

5 A. I do.

6 Q. And these were -- these reports were right
7 out of your file, and I'm asking if you know, if you
8 recall whether the notations or the lines that are
9 being drawn under each one is your handwriting?

10 A. I do not recall that.

11 Q. So, like for example, this line along -- you
12 don't -- you don't -- you can't say as you sit here
13 today that that's -- that's your notation?

14 A. Correct. 2:20:42

15 Q. Hang on, I just want to go a little bit
16 further down because these are a little out of order,
17 so I apologize for that. All right. And then I am
18 taking your attention down in this batch of documents
19 -- or this group exhibit -- page is that? Okay, on
20 page 6 of 9, Bates stamp 554 -- whoops, I meant to go
21 to 6. Oh, that's page 8, hang on. All right. So then
22 on the top of page 6 it -- or it indicates Ashanti
23 Wright, Jamaica (phonetic) Wright, Antwoine Waddy, and
24 looks like page 5 might have been left off, but the
25 interview starts with Maurice Wright. You see that

1 there?

2 A. I do.

2:22:45

3 Q. And did you -- did you -- do you recall that
4 he gave a written statement and that he testified --
5 that Maurice Wright testified at the grand jury?

6 A. I do not recall.

7 Q. Do you recall that he testified that on May
8 13th between 1:30 and 2:00 a.m., he was sitting in his
9 car and Walker and along -- along with Jovanie Long
10 approached him?

11 A. I do not recall.

12 Q. Do you recall that he testified that he told
13 Wright that "This crazy motherfucker Long just shot a
14 motherfucker," unquote?

15 A. I do not --

16 Q. Do you recall --

17 A. No.

18 Q. You don't recall that testimony?

19 A. I do not.

20 Q. Do you recall that he pulled him out of a car
21 and that -- that -- that Walker showed Long \$100 and
22 \$50 bills?

23 A. No, I do not.

2:23:45

24 Q. Do you recall that Wright testified that Long
25 threw the gun towards Chicago Avenue?

1 A. No, I do not.

2 Q. If you had received a statement or testimony
3 that Maurice Wright had in fact said those things as
4 represented by the -- by the -- by the grand jury
5 transcript and by his interview, would you have
6 attempted to follow up with Wright to discuss that with
7 him?

8 A. I would think I would have, yes.

9 Q. Do you recall that you actually talked to
10 Maurice Wright about his statement?

11 A. I do not.

12 Q. As you read the statement, did you notice
13 anything suspicious about that statement?

14 A. No, not -- not as I read it now, no, I do
15 not, and I can't recall what I thought about it back
16 then, so.

17 Q. Did you -- do you recall at some point
18 Maurice Wright saying that the statement was not true?

19 A. I do not recall that. 2:24:52

20 Q. Do you recall Maurice Wright telling you that
21 the detectives had threatened him into making a
22 statement?

23 A. I do not recall that.

24 Q. Do -- do you have any recollection of the
25 trial in this case?

1 A. No, I don't.

2 Q. Do you recall Maurice Wright being called
3 upon to testify at the trial in this case?

4 A. I do not recall that.

5 Q. And in fact you -- do you recall Maurice
6 Wright being called to testify by the state in their
7 case in chief to prosecute Xavier Walker?

8 A. I do not.

9 Q. Do you recall Xavier -- Maurice Wright
10 testifying at the trial and then at trial recanting all
11 of this testimony, recanting that he had agreed -- oh,
12 hello, sir?

13 A. I'm here. 2:25:58

14 MS. SHOFFNER: Okay. I just lost you.

15 WITNESS: Ah. I need to recharge -- I need
16 to recharge my -- my iPad. Are you there?

17 MS. SHOFFNER: Oh, can -- can -- yeah, yes.
18 Can you -- can you plug it in and charge it --

19 WITNESS: Yeah, I'll tell you what. I'm
20 going to -- if we -- if you will give me five minutes,
21 I'm going to go onto my computer and -- and tie back
22 into you guys. Is that okay?

23 MS. SHOFFNER: Okay. All right, that's fine.

24 WITNESS: All right. Give me five minutes
25 and I'll be right back with you.

1 MS. SHOFFNER: Okay.

2 RECORDER: Okay. Off the record, 12:52 p.m.

3 (Off the record)

4 RECORDER: Back on the record, 1:01 p.m.

5 Q. All right. Sir, I was asking you about the
6 statements made by Maurice Wright, and I -- I had
7 jumped to the trial in this case. Do you have any
8 memory of the -- of the trial that took place in this
9 case?

10 A. Unfortunately not. 2:26:51

11 Q. It was your -- it was your first and biggest
12 murder trial ever and you have no memory of it?

13 A. And -- and it was 20 years ago, and I do not.

14 Q. All right. But it was one of those moments
15 where the state calls a witness to testify in support
16 of their case and their lead fact witness recants his
17 -- his -- his prior testimony and his prior statement
18 and he -- he indicates that he was coerced into giving
19 the statement against Xavier Walker. You don't -- you
20 don't recall any of that happening at the trial?

21 A. I do not.

22 Q. All right. Do you recall ever having met
23 with Maurice Wright to discuss his testimony?

24 A. No, I do not.

25 Q. How about -- but -- but you -- certainly with

1 the information that was provided to you, you had his
2 contact information. Is that fair to say?

3 A. That's fair to say. 2:27:54

4 Q. And then also Ashanti Wright, you see on the
5 screen right there, "#3 Ashanti Wright"?

6 A. I do.

7 Q. And you came to learn that she testified at
8 the grand jury?

9 A. I don't know that, I don't know if I came to
10 learn that or not.

11 Q. All right. Did you come to learn that she
12 did give a statement though?

13 A. I believe I probably did.

14 Q. And she was living at 4653 West Erie with
15 Mary Curry and Maurice Wright and her mother, Jamaica
16 Wright, right?

17 A. I believe that's correct.

18 Q. And she testified that she was at home at
19 1:00 playing cards when she heard the gunshots, that
20 her mother got up, went to check in the basement and no
21 one was there, they saw Jovanie Long nervous, and --
22 and then they walked down to Ohio and saw a man lying
23 in the street. Ashanti Wright then testifies that
24 Jovanie Long told her, "I killed the mark," that he
25 killed a white man who was around the corner.

1 MS. SAMUELS: Back for the record. 2:29:12

2 MS. SHOFFNER: Huh?

3 MS. SAMUELS: I just returned.

4 Q. Okay. And then Xavier told Ashanti that
5 Jovanie wanted to return to wipe fingerprints off the
6 van. Now do you remember reading that testimony in the
7 transcripts?

8 A. I do not remember any of that.

9 Q. Okay. And had you known in advance of the
10 trial in this case that Ashanti Wright gave that
11 testimony, would you have attempted to -- to contact
12 her to -- to confirm that testimony?

13 A. I got to believe I would have. 2:30:03

14 Q. But do you have any record that you attempted
15 to contact Ashanti?

16 A. I -- I have no such recollection, nor do I
17 have any recollection of having known that that's what
18 Ashanti Wright said.

19 Q. Looking at her statement below Curry, right
20 there. Now I understand that you don't -- you don't
21 contend to understand the -- the claim that these
22 underlined statements are yours. Is that right?

23 A. That's correct. 2:30:45

24 Q. But in the statement Bates stamp page BS 556,
25 the statement that police officers took -- let's see,

1 I'll start with the -- near the end where it says, "She
2 said that Mary went upstairs and Vani -- Vani and
3 Maurice came in. Maurice went upstairs to tell Mary
4 that he was back. Vani told her that he killed the
5 white guy. He told her that he wanted the white guy's
6 money but that he put up a fight and was getting the
7 best of Vani, so Vani shot him. He said, 'He wouldn't
8 let the money go. I killed the white guy.' She said
9 they started to play cards when Zay came in." You --
10 you see -- you -- you see that statement there?

11 A. I do.

2:31:43

12 Q. And that statement's contained in your file.
13 Is that something that you would have followed up on
14 and talked to Ashanti Wright about -- about with
15 respect to -- in your defense of -- of Xavier Walker?

16 A. I would think so.

17 Q. Now are you -- are you contending that --
18 well, did you know the relationship between Jovanie
19 Long and Xavier Walker?

20 A. I don't recall -- I don't recall whether I
21 knew that or not.

22 Q. That they had been childhood friends?

23 A. It's -- the -- the -- the -- the statements,
24 the information that you have certainly indicates that
25 there is a -- a -- a kinship of sorts between the two

1 of them, but I just don't recall what I knew.

2 Q. Okay. And as you sit here, there's no reason
3 for you to believe or not believe the statement that
4 Ashanti Wright gave, is there?

5 A. Correct, there --

6 Q. You have no --

7 A. There is not. 2:32:49

8 Q. Similarly Mary Curry testified at the grand
9 jury and she also gave a statement, but the gist of her
10 testimony -- or -- is -- is -- is contained in this
11 document and -- hang on, let me just get there. In the
12 last paragraph -- well, in the paragraph that's in
13 front of you right here, do you see my arrow?

14 A. Yes. 2:33:51

15 Q. But after the events unfolded, "Jovanie went
16 past her room. She told them that she wanted to talk
17 with him. When he came out of the bathroom, he went to
18 her room with \$100 bill in his hand." See that there?

19 A. That's what I see.

20 MS. SHOFFNER: I'm sorry, you're -- you're
21 making me dizzy. What are you doing there?

22 WITNESS: I'm -- I'm moving my iPad.

23 MS. SHOFFNER: Okay.

24 WITNESS: Okay, we're stable.

25 Q. All right. "Jovanie replied that he didn't

1 have any money and was tired of being broke. She told
2 him that the man probably had a wife and children. He
3 said, 'Ma'am, I'm sorry. I didn't mean to kill the
4 man, but he wouldn't let the money go.' She said that
5 he started crying and hugged her for a long time.
6 Jovanie told her that nobody saw him do it, but she
7 told him in a Black neighborhood, somebody saw him do
8 it. She told him he would have to stay away from her
9 house because she didn't want any trouble and there was
10 young children. She gave Boo Boo \$60 for pizza and the
11 kids went to work." You see that there?

12 A. I see that. 2:35:18

13 Q. Does that refresh your recollection that
14 witnesses had continued to maintain that -- that --
15 that Jovanie Long had killed the suspect -- or killed
16 the victim?

17 A. It does not.

18 Q. Do you recall ever interviewing Mary Curry?

19 A. I do not recall.

20 Q. If you had interviewed her, would you have
21 taken notes of that meeting?

22 A. I would presume I did -- I would have.

23 Q. And so as you sit here today, you don't know
24 if when she gave this statement she was telling the
25 truth or not?

1 A. Correct, I do not.

2 Q. And you have no recollection with any
3 conversation with Mary Curry?

4 A. None whatsoever. 2:36:29

5 Q. Now there was -- all right. I think that
6 concludes that -- this exhibit. Let me just make sure
7 there were no other witnesses identified. Okay. Now
8 in the course of reviewing the file in this case and
9 reviewing statements, is it your testimony that you
10 could not develop a strategy for how to defend -- or
11 you can't recall a strategy for how to defend Xavier
12 Walker?

13 A. I do not recall developing a strategy for how
14 to defend Xavier Walker.

15 Q. Do you recall having discussions about
16 getting a plea agreement?

17 A. No, I do not. 2:38:01

18 Q. Is that something that you would have put in
19 your notes?

20 A. I would think.

21 Q. In the course of defending Xavier Walker, did
22 you have the opportunity to speak to his sister,
23 Shunralyn Walker?

24 A. I don't recall today whether I did or did
25 not. I would have -- I would assume that I did, but I

1 don't recall.

2 Q. So you don't recall if you met with her one
3 time, if you never met with her, or if you met with her
4 five or six times. Is that fair to say?

5 A. That's fair to say.

6 Q. All right. I'd like to show you an exhibit
7 that I have marked Exhibit 4. Whoops. All right. You
8 have in front of you the "Amended Affidavit of
9 Shunralyn Walker"?

10 A. I see it. 2:39:33

11 Q. All right. I'd like you to take a look at
12 that. Let me know when you're finished.

13 A. I'm finished. 2:40:20

14 Q. All right. In paragraph ten, she says, "As
15 far as I know, Xavier -- Xavier's trial attorney, Greg
16 Wilson, had not previously done murder trials,"
17 correct?

18 A. I see that, yes.

19 Q. And that --

20 A. And that -- that's a correct statement.

21 Q. That statement is true? Okay. Oh, I didn't
22 ask you. After you did this murder trial, did you ever
23 do any more -- additional murder trials?

24 A. Yes, two. One -- one for sure. Yes, one.

25 Q. So you had another murder trial?

1 A. Yes.

2 Q. And what was the -- what was your client's
3 name in that case?

4 A. I'm sorry?

5 Q. What was your client's name in that case?

6 A. I'm embarrassed because I don't recall his
7 name.

8 Q. How long ago was your -- was your next murder
9 trial?

10 A. That murder trial was -- oh, I don't know,
11 around 2015.

12 Q. Okay. So in the course of your entire
13 criminal career, you've done two murder trials?

14 A. I've done three murder trials. The -- the --

15 Q. Oh, okay. 2:41:36

16 A. Yeah, another murder trial was -- involved a
17 -- one second, I'll tell you his name. Jamarcus
18 Robinson (phonetic).

19 Q. Can you spell that first name?

20 A. J-a-m-a-r-c-u-s Robinson.

21 Q. And when -- and when was that murder trial?

22 A. Oh, 2016, '17, '18.

23 Q. Oh, and what was the outcome?

24 A. He was found guilty of -- of murder.

25 Q. And then you said you had one in 2015, right?

1 A. Yeah, one -- yeah, the -- the dates are
2 confusing, but that -- there was one other, so I've had
3 three murder trials all total.

4 Q. And who was your other client?

5 A. That's the name that I can't recall right
6 now.

7 Q. But that one was about in 2015?

8 A. Yeah. 2:42:45

9 Q. Okay. All right. So we're turning back to
10 the exhibit here. It says in paragraph 11, "Greg
11 Wilson interviewed me and I told him I wanted to
12 testify for Xavier. I told him I was watching the
13 clock and that Xavier did not leave the house until
14 1:45 a.m." You see that there?

15 A. I do see that.

16 Q. And does that refresh your recollection about
17 what Shunralyn told you?

18 A. It does not.

19 Q. Do you have any reason to dispute that what
20 she said is -- she believed to be true?

21 A. I can only tell you that I have no
22 recollection of that conversation with her.

23 Q. And then the next paragraph, it says,
24 "Attorney Wilson told me that he would put me on the
25 witness stand and also talked about Simeon and Deon

1 taking the stand. Attorney Wilson said" -- oh, no,
2 "Attorney Wilson also knew that Antwoine Waddy,
3 'Bubbles,' might be a witness." Do you see that there?

4 A. I see it.

5 Q. Does that refresh your recollection that
6 Simeon and -- that you had spoken to both Simeon and
7 Deon?

8 A. It does not. 2:43:52

9 Q. And then skipping down to paragraph 15, it
10 says, "Greg Wilson interviewed me several times at my
11 house in person." You see that?

12 A. I see that.

13 Q. And -- and as you sit here today despite the
14 fact that she said that you were there several times,
15 you have no memory of -- of meeting with her?

16 A. That's true, yes.

17 Q. Following the trial in this matter, did you
18 feel it was necessary to explain to people why you
19 didn't call them as witnesses in this case?

20 A. I don't know what I thought following the
21 trial in this matter regarding explaining to anyone my
22 reasoning for doing or not doing something.

23 Q. Did you meet with Xavier after the trial?

24 A. I'm sure I did. 2:45:08

25 Q. All right. I would like to turn your

1 attention to Deon Baylock, and it's your testimony that
2 you didn't meet -- you -- you don't recall having met
3 with him?

4 A. That is correct.

5 Q. So you may have met with him, you may not
6 have, correct?

7 A. I do not recall.

8 MS. SHOFFNER: Okay. All right. Madame
9 Court Reporter, did I -- did you -- did you get that as
10 Exhibit Number 4 that I just presented to you, the
11 "Amended Affidavit of Shunralyn Walker"?

12 RECORDER: Yes, that's correct.

13 MS. SHOFFNER: All right. And do you have
14 her first name spelling?

15 RECORDER: Actually I can take that down now.

16 MS. SHOFFNER: All right. It's
17 S-h-u-n-r-a-l-y-n.

18 RECORDER: Perfect.

19 MS. SHOFFNER: And that's Number 4.

20 RECORDER: Okay, thank you. 2:46:20

21 Q. All right. Let's go to -- here. All right.
22 I'm now showing you what's been marked -- we'll mark as
23 Exhibit Number 5, and it's the "Affidavit of Simeon
24 Dorsey," and I'll ask that you take a look at this
25 affidavit. It's two pages, so let me know when you

1 need me to scroll down.

2 A. Okay. I'm at paragraph seven. Okay. You
3 can go to the next page. Okay. Okay.

4 Q. All right. You see there at paragraph 12 he
5 says, "We returned to Xavier's house and stayed there
6 until after 10:00." And then 13 he said, "Xavier drove
7 to Cicero and Ohio and picked up Jovanie, who was
8 Xavier's play brother." And then 14, "Police were in
9 the area and Deon and I were nervous because the police
10 were present." Moving forward, "Deon, Xavier, and I
11 were having a conversation about girls" -- oops, not
12 that one, we're -- we're almost there. "Once we
13 finished our conversation," at paragraph seven (sic),
14 "we asked Jovanie what had happened, why the police
15 were there." Paragraph 18, "Jovanie said that a guy
16 got shot." 19, "We did not know at the time that the
17 person -- we did not know at the time that the person
18 who had been shot was dead." 20, paragraph 20,
19 "Jovanie also said that he had gotten into an
20 altercation with a guy." Hang on just a second. "This
21 conversation took place as Xavier was driving where we
22 were going to celebrate Charles Toles getting out of
23 jail. We met up with Marvin Mosley, Quinton, and
24 Charles Toles at the club. We were there for a few
25 hours." At paragraph 24 he says, "Jovanie stayed with

1 us at the club and was telling people about what had
2 happened around his house and he was asked." And then
3 further down, "After we left the club, Jovanie was
4 dropped off at Ohio and Cicero. We went out to get a
5 hoagie." And then he says here at 28, "I was never
6 contacted by Xavier's lawyer or any investigator
7 working for Xavier's lawyer regarding the trial." And
8 then he says, "I would have testified," essentially.
9 Do you see that there?

10 A. I do.

2:51:00

11 Q. Do you believe as you read this that you did
12 not contact Simeon Dorsey?

13 A. I don't recall if I contacted Simeon Dorsey
14 or not. I understand that that's what he said in his
15 statement, but I don't recall whether I did or did not.

16 Q. So you may have contacted him or you may not
17 have, you just don't -- you don't have independent
18 knowledge?

19 A. That is correct.

20 Q. And you have no knowledge about -- about --
21 about Xavier giving Jovanie a ride to a club?

22 A. Correct.

23 Q. Or that Jovanie had said that he was involved
24 in an altercation with a -- with a -- with a guy who
25 was -- who was -- had been shot dead?

1 A. I have no such recollection. 2:51:49

2 Q. Okay. But if Jovanie -- but if Xavier Walker
3 told you that he was with Simeon Dorsey and that Simeon
4 Dorsey would be an alibi witness, would Simeon Dorsey
5 have been someone that you would have wanted to
6 interview?

7 A. I would think.

8 Q. Okay. All right. Do you recall meeting with
9 the -- a witness named Marvin Mosley?

10 A. I do not. 2:52:54

11 MS. SHOFFNER: All right. This is -- I'm
12 getting there, guys. I'm a little slow with the
13 exhibits.

14 Q. All right. Do you see where it says,
15 "Affidavit of Alicia Stewart"?

16 A. I do. 2:53:54

17 MS. SHOFFNER: And I believe we're going to
18 mark this one as Number 6?

19 RECORDER: Correct.

20 Q. Now this affidavit, although it was signed by
21 Alicia Stewart, it was an interview of Marvin Mosley
22 and that -- it states that on the -- on -- at -- at
23 paragraph -- starting at paragraph C --

24 A. I don't have that on my screen.

25 Q. Oh.

1 MR. MILLER: It's just showing the folders
2 again with the list of exhibits.

3 MS. SHOFFNER: Oh, okay. How's that?

4 MR. MILLER: Yep. 2:54:43

5 A. Got it.

6 Q. Just take a minute and go ahead and read it.

7 A. I'm down to paragraph number four.

8 Q. Oh. 2:55:52

9 A. Okay.

10 Q. All right. He states that on the night of
11 May 12th, 2000, he was at -- in paragraph B and C and
12 D, that he was at the Wax Factory because their friend
13 Charles Toles just got off house arrest and that
14 Xavier, Simeon, and -- strike that. Xavier -- on
15 paragraph D, Xavier Walker, Simeon Dorsey, Deon
16 Baylock, and Jovanie Long arrived about 20 minutes or
17 so after Marvin arrived. Do you see that there?

18 A. I do.

19 Q. And then after -- and then Marvin was
20 expecting Xavier, Simeon, and Deon, but not Jovanie,
21 right?

22 A. I see that. 2:56:56

23 Q. At -- and then paragraph F it said, "At the
24 club, someone boasted about getting money from shooting
25 -- from a shooting that evening." And then at

1 paragraph G, "The person bragged about having money but
2 did not say anyone helped him get the money." And then
3 paragraph H, "Xavier, Simeon, and Deon all looked
4 scared and jittery when they heard the person boasting.
5 Marvin is certain that Xavier had nothing to do with a
6 shooting that night." And then -- and then it says in
7 paragraph I -- or paragraph J that -- that you spoke
8 with Marvin on the telephone. You see that there?

9 A. I do.

10 Q. If you had called him, how would you have
11 gotten his contact information?

12 A. I have no recollection. I don't know. 2:57:53

13 Q. You -- you don't recall who you worked with
14 to get information about potential witnesses?

15 A. Correct. I would assume that had I called
16 him I likely would have gotten the -- the phone number
17 from Xavier, but I don't know that.

18 Q. Okay. And -- and it says that you called but
19 you didn't ask about that conversation, that incident
20 with them being at the club. As you sit here today, is
21 there -- is there any other reason you would have
22 called him?

23 A. I -- I have no recollection as to why I
24 called him or what was said outside of --

25 Q. And if you had -- yeah. And if you had

1 called him, would you have made any notes of that call?

2 A. I would have thought so, but I -- I don't

3 know. 2:58:40

4 Q. Okay. And it says here that they were there
5 to celebrate Charles Toles getting off house arrest.

6 As you sit here today, do you have any recollection
7 about having called Charles Toles?

8 A. I do not.

9 Q. And if you had spoken to Mr. Toles, would
10 that have been reflected in some notes?

11 A. I would think so.

12 Q. All right. I want to just ask you about a
13 few more potential witnesses, and then we'll see where
14 we stand. On the -- and if you don't recognize these
15 names or can't recall whether or not you spoke to them,
16 just let me know. Do you recognize the name Yvette
17 Taylor (phonetic)?

18 A. No. 2:59:52

19 Q. And do you have any recollection of -- of
20 attempting to contact Yvette Taylor?

21 A. I don't recognize the name. I have no
22 recollection.

23 Q. All right. How about Yvette Hill (phonetic)?
24 Did you -- as a witness in this case, did you make any
25 -- do you recall that name?

1 A. I do not recall that name.

2 Q. And do you have any independent recollection
3 of attempting to contact her?

4 A. No.

5 Q. What about Marion Tillman? Have you -- does
6 that name sound familiar to you?

7 A. It is -- does not.

8 Q. And you have no recollection of making an
9 attempt to contact Marion Tillman?

10 A. Correct, I do not.

11 Q. How about Betty Edwards? Did you -- does
12 that name sound familiar to you?

13 A. No, it does not.

14 Q. And you have no recollection of contacting
15 Betty Edwards?

16 A. Correct, I do not.

17 Q. Do you have -- does the name Hershurla Byrd
18 sound familiar to you?

19 A. No.

20 Q. And connection with this case, do you have
21 any recollection of having attempted to contact
22 Hershurla Byrd?

23 A. No.

24 Q. How about Yvette Anderson? Does the name
25 Yvette Anderson sound familiar to you?

1 A. No. 3:01:08

2 Q. And do you have any recollection of

3 attempting to contact Yvette Anderson?

4 A. No.

5 Q. All right. How about Red (phonetic), a guy

6 named Red? Did you know anything about trying to

7 contact a guy named Red?

8 A. I do not recall.

9 Q. Does the name -- does the name Darnell

10 (phonetic) sound familiar to you?

11 A. No, it does not.

12 Q. Do you have any memory about attempting to

13 contact a person named Darnell?

14 A. No, I do not.

15 MS. SHOFFNER: All right. I think now is a

16 good time for us to take a break. I still have a bit

17 more to go over here.

18 RECORDER: Okay. Off the record, 1:36 p.m. 3:02:10

19 (Off the record)

20 RECORDER: Back on the record, 2:32 p.m.

21 Q. All right. Mr. Wilson, I am showing you a

22 copy of the motion to suppress that was filed by you.

23 It's marked 2293, but it was filed by you. Is that

24 your signature there?

25 A. Yes, it is.

1 Q. All right. And according to the top of the
2 document, it says it was filed on January 24th, 2001.
3 Do you have any reason to doubt that that was the date
4 that you filed this?

5 A. I do not. 3:02:54

6 Q. Okay. All right. It's not the copy that I
7 wanted to use because there was a copy of that document
8 in your file, but that's -- that's fine. All right.
9 Sir, I want to just go through this motion to suppress.
10 Typically at the time that you filed this, was it your
11 practice to talk to anyone about filing -- about filing
12 this type of motion?

13 A. What do you mean by, "talked to anyone"? You
14 mean with my client?

15 Q. With your client for starters.

16 A. Certainly.

17 Q. Okay. And -- and did you tell your codefense
18 counsel, John Connor?

19 A. I'm not sure if I did or did not, to be
20 honest.

21 Q. And is it fair to say that you discussed the
22 strategy behind filing this motion to suppress at the
23 time you filed it?

24 A. I certainly would have discussed it with my
25 client.

1 Q. Would you discuss the substance of the motion
2 before you filed it?

3 A. Yes. 3:04:11

4 Q. Would you discuss the -- would you show it to
5 him before you filed it?

6 A. I don't know that I would have shown it to
7 him.

8 Q. But you would certainly discuss the substance
9 of it, is that fair to say?

10 A. That's fair to say.

11 Q. All right. So -- hang on a second. All
12 right. So then -- and the first paragraph, it states
13 that, "At 5:00 p.m., the defendant herein was arrested
14 by officers and charged with the offense of first
15 degree murder." And then in the second paragraph, it
16 states, "Immediately following his arrest, defendant
17 was handcuffed and made to stand upright" --

18 v Hey, Jessica tested positive. Let's do two tests.

19 c Okay.

20 RECORDER: I'm sorry? Do we have some
21 interference?

22 Q. All right. So the second paragraph,
23 "Immediately following his arrest, defendant was
24 handcuffed and made to stand upright in a cell for
25 unknown number of hours, but on information and belief,

1 believes he was so restrained for a period of time in
2 excess of 24 hours." You see that there?

3 A. I do.

3:05:30

4 Q. Did you discuss in this -- is there a reason
5 that you did not discuss the nature of his arrest in
6 filing this motion?

7 A. Is -- that I did not discuss the nature of
8 his arrest with --

9 Q. Yes.

10 A. -- whom?

11 Q. That -- that you don't mention the nature of
12 his arrest when -- when you filed this motion.

13 A. I -- and I don't know that there was any
14 particular reason why that was not included.

15 Q. Like for example, you -- you had previously
16 been told, by way of documents and otherwise, that Mr.
17 Walker had been kicked and had been slapped, correct?

18 A. I've -- I saw documents that made reference
19 to that, yes.

20 Q. And -- and you didn't -- you didn't consider
21 that information germane to this motion, because it's
22 not included, is that fair to say?

23 A. Well, it's -- it's fair to say that it is not
24 included. Now I don't know that I considered it
25 germane or not, but it is not included in the motion.

1 Q. All right. "During the course of this
2 incarceration -- during this period of incarceration,
3 the defendant was denied any food or drink. He was not
4 allowed to sleep. He was not allowed to sit. He was
5 not allowed to use any washroom facilities." You see
6 that there?

7 A. I do.

8 Q. And is this based on your communication with
9 Mr. Walker about his experience while in custody at the
10 police department?

11 A. It would have been.

3:07:03

12 Q. "And during this period of incarceration, the
13 handcuffs on his wrists -- on defendant's wrists were
14 so tight that they began to cut off blood circulation.
15 They left distinct marks on his wrist. The defendant
16 asked on several occasions to have handcuffs loosened,
17 said requests were ignored or denied." You see that
18 there?

19 A. I do.

20 Q. And is that -- is that based on any
21 conversation -- is that based on your conversation with
22 Mr. Walker?

23 A. Yes, it would have been.

24 Q. All right. In paragraph five, "During this
25 period of incarceration, the defendant was subjected to

1 several instances of physical abuse at the hands of
2 representatives of the Chicago Police Department
3 including but not limited to being kicked and stepped
4 on in the chest area." You see that there?

5 A. I do see that. 3:08:01

6 Q. Now and -- and is this statement based on
7 your communication with Mr. Walker?

8 A. It would have been.

9 Q. Did Mr. Walker at any time tell you that --
10 that pictures were taken of him while he was at the
11 police station?

12 A. I do not recall that.

13 Q. Did he tell you that police officers kicked
14 him and stepped on his chest area in the process of
15 placing him under arrest?

16 A. Well, inasmuch as it's in -- that reference
17 is in my motion, I would have gotten that information
18 from Xavier Walker, so I -- I -- yes, he must have.

19 Q. Well, this particular paragraph, paragraph
20 five, says that "during his period of incarceration" --
21 did you -- did you clarify with Mr. Walker that during
22 his arrest he may have been kicked and stepped on in
23 the chest area, or was he kicked and stepped on in the
24 chest area while he was at the station?

25 A. I don't recall making that distinction with

1 him.

3:09:09

2 Q. "During this period of incarceration, the
3 defendant was repeatedly told by officers of the police
4 department that the aforementioned treatment would end
5 immediately and that he would be released and allowed
6 to go home if he would simply admit his involvement in
7 the death of one Marek Majdak on May 13th, 2000, at
8 approximately 1:00 a.m." And is this, the substance of
9 this paragraph, based on your communication with Mr.
10 Walker?

11 A. It would have been, yes.

12 Q. And -- and did you verify any of these facts
13 with any of the other evidence that had been presented
14 to you at the time you made these representations in
15 this one document?

16 A. I do not have a recollection of that.

17 Q. Is that something that you would typically
18 do?

19 A. I would think so, yes.

3:10:03

20 Q. Like for example, if you have reports that
21 said that he was kicked in the stomach while being
22 apprehended during a -- while being apprehended, and
23 then your client were to come to you and say, "Yeah,
24 they kicked me in the stomach when I was -- when I was
25 at the station," would you have said something to your

1 client like, "Hey, listen, Mr. Walker. The documents
2 say that you were kicked in your stomach or you were --
3 you were kicked in the abdomen while they were -- while
4 you were being apprehended, not when you were on the
5 station." Would you draw those type of distinctions
6 with your client?

7 A. Probably so --

8 MS. SAMUELS: Objection. Form, compound, and
9 incomplete hypothetical.

10 Q. Do you understand my question, sir?

11 A. I understood your question, and probably I
12 would have drawn the distinctions.

13 Q. In this case, those type of distinctions --
14 you -- is it your testimony, sir, that in this case,
15 those type of distinction -- you simply cannot remember
16 what you knew at the time you prepared this motion,
17 correct?

18 A. That is correct.

3:11:09

19 Q. Now, the -- the date this document was filed
20 was January 24th, and sir, by that time, you had been
21 representing Mr. Walker for, well, basically since the
22 -- since the beginning of April 2001?

23 A. Since the beginning of April 2000, not 2001.

24 Q. Oh, correct. So you had been representing
25 him for almost a year or about that -- about eight or

1 nine months?

2 MS. SAMUELS: Objection --

3 A. So it would seem.

4 Q. Okay. Hang on. Now as you read this motion,
5 does this refresh your recollection about Xavier Walker
6 having given a confession in this case?

7 A. It does not. 3:12:22

8 Q. So even as you sit here today, you have no
9 recollection of Mr. Walker giving a -- a confession?

10 A. Correct.

11 Q. And other than the facts that are represented
12 here, do you have any information or a memory related
13 to what led up to his getting a confession?

14 A. I do not.

15 Q. So is it fair to say that all you know about
16 what happened to Mr. Walker before he gave his
17 confession is what is contained in this document,
18 correct?

19 A. I'm not sure that is accurate, but I don't
20 know that I know -- that I know anything other than
21 what's contained in this document.

22 Q. So if more information is presented to you,
23 it may -- you may be able to refresh your recollection?

24 A. That's possible. 3:13:10

25 Q. Like, for example, as you sit here, you can't

1 recall anyone else you spoke to about filing this
2 motion?

3 A. Correct.

4 Q. Do you recall speaking to Ms. Bedsole and
5 having her come as a witness to testify about the
6 nature of -- of the apprehension and -- and -- and the
7 abuse that he suffered while at the station?

8 A. I do not have that recollection.

9 Q. And in paragraph seven, it states that "As a
10 result of the treatment referred to above, the
11 defendant on May 29th, 2000, at approximately 11:43
12 gave a video statement, also referred to as a
13 confession, concerning the death of Marek Majdak. The
14 video statement given by the defendant was neither
15 voluntarily nor freely given." And then in the last
16 paragraph, nine, "The State's Attorney's Office now
17 intends to use this video in its prosecution of the
18 defendant herein." And then the relief that you seek,
19 "Xavier Walker respectfully prays that this honorable
20 court enter an order suppressing from being introduced
21 into evidence any and all parts of the video statement,
22 also known as a confession, given by the defendant on
23 May 30th and for such further relief as this court deem
24 just and appropriate." Do you have any independent
25 recollection of what you did to prepare to present this

1 motion to the court for hearing?

2 A. I do not.

3:14:55

3 Q. Hang on just a minute. Now, you argued this
4 motion to the court and -- strike that. Let me show
5 you what has been marked as -- we really haven't marked
6 a lot of these, but -- but we will mark these pictures
7 as Exhibit 8.

8 RECORDER: Mr. Wilson, is it possible to get
9 you centered in the screen a little better?

10 WITNESS: Sure. Let me work on it.

3:16:39

11 RECORDER: Thank you.

12 WITNESS: Okay. Just a sec.

13 RECORDER: Much better. Thank you.

14 WITNESS: Okay.

15 Q. All right. These -- these photos are Bates
16 stamped Plaintiff -- no. Hang on. Photos, where are
17 the -- oh, Cook County State's S -- Cook County State's
18 Attorney's Office 22 through 26. Sir, I'm showing you
19 what has been marked as photos that were taken of
20 Xavier Walker while he was in custody at the Cook
21 County Department of Corrections, and as I show you
22 these pictures, do you have independent recollection of
23 having seen them?

24 A. I do not.

3:17:37

25 Q. Do you remember -- do -- do you recall seeing

1 -- well, never mind. All right. So those are the
2 pictures that were taken of Mr. Walker while at the
3 police department. They -- and -- and in your -- in
4 the course of representing Mr. Walker, did you have the
5 opportunity or -- or -- did you have the opportunity to
6 go to ERPS, the inventory -- where they lodge the
7 inventory from the case, and review evidence?

8 A. I mean, I don't understand the question.

9 Q. Where the police officers take inventory from
10 -- or evidence from a -- the scene of a crime, whether
11 its -- its -- whether its ballistics -- bullets or
12 clothes or sneakers or -- once they get evidence, or
13 even pictures for that matter depending on who takes
14 them, those things are registered within a division of
15 the police department, and defense counsel is permitted
16 to go view the evidence. Have you ever been to the
17 police department to view evidence in a criminal case?

18 A. Not that I recall. 3:18:48

19 Q. Okay. And at the time that you were
20 representing Mr. Walker, you do not -- you do not
21 recall viewing these pictures?

22 A. Correct.

23 Q. Let's see. Do you recall what the -- what
24 the judge ruled -- how the judge ruled on the motion to
25 suppress?

1 A. I do not recall, and I can only presume that
2 he denied my -- my motion.

3 Q. But you don't -- you don't have any
4 independent recollection as to what he said about
5 denying -- when he denied the motion?

6 A. Correct. 3:19:47

7 Q. And you made numerous attempts to -- to --
8 your -- your record reflects that you made -- or your
9 file reflects that you made numerous attempts to keep
10 in contact with Ms. Bedsole and call her as a witness,
11 and she in fact testified. Hold on. But you did not
12 argue that his statement should be suppressed because
13 he was kicked or because he was struck across the neck,
14 correct?

15 A. I don't recall. 3:21:04

16 Q. And you in fact called Mr. Walker to testify
17 at the motion to suppress hearing too, correct?

18 A. I believe that's correct.

19 Q. And consistent with the motion, Mr. Walker
20 said that he had nothing to eat or drink, right?

21 A. I don't recall what his testimony was.

22 Q. All right. Do you recall -- do you recall
23 that he said that they were -- they were cursing and
24 yelling at him?

25 A. I do not.

1 Q. Do you recall that he said his cuffs were too
2 tight?

3 A. I do not.

4 Q. Sir, do you recall that you stipulated that
5 Detective Sanders, if called, would testify that he
6 never hit Mr. Walker across the neck?

7 A. I do not -- I do not recall that. 3:22:04

8 Q. And you stipulated that Xavier Walker never
9 asked to make a phone call?

10 A. I do not recall that.

11 Q. And you also stipulated, sir, that Walker
12 never told him that his wrists were hurting?

13 A. I do not recall that.

14 Q. You don't recall giving any of those
15 stipulations?

16 A. Correct.

17 Q. All right. All right. I'd now like to show
18 you another exhibit. All right. Can you see this
19 where it says, "Amended Answer to People's Motion for
20 Pretrial Discovery"?

21 A. I do.

22 Q. And this is a document that was filed by you.
23 It's not signed by you, but we did get it out of your
24 file, and it's dated September 9th, two thousand -- I
25 can't tell what date that is -- oh, September 9th,

1 2002. Do you see that right there?

2 A. I do see that. 3:24:09

3 Q. And would you on occasion file a document
4 with the court that didn't necessarily contain your
5 signature?

6 A. I -- that's highly unusual, but it could
7 happen, I suppose.

8 Q. But -- okay. You don't dispute that you
9 prepared this document, do you?

10 A. No, I do not.

11 Q. Okay. Let's take a look at it. If you
12 would, take a look at it. Now is this the type of
13 document that you would typically file when preparing
14 for trial?

15 A. Indeed so. 3:25:00

16 Q. And what's the purpose of this document?

17 A. To clarify what the defendant's position
18 would be relative to his -- the presentation of his
19 case in chief.

20 Q. And is it -- and is this the document where
21 you sort of identify who it is you intend to call at
22 trial to testify?

23 A. Yes.

24 Q. And -- and looking at this document,
25 paragraph two, it -- I believe it's the third full

1 sentence, it says, "Further, the defendants may call to
2 testify Deon Baylock," date of birth, and also it says
3 that -- Simeon Dorsey. You see that there?

4 A. I do.

5 Q. And when you filed this document with the
6 court in September of 2002, was it your intent to call
7 Deon Baylock and Simeon Dorsey to testify at trial?

8 A. Well, I believe it was my intent to at least
9 list them as a potential witness who may or may not be
10 called.

11 Q. I understand. And then further down the
12 document, it says, "The defendant may also call to
13 testify Shunralyn Walker, date of birth [REDACTED]

14 [REDACTED] You see that there?

15 A. I do.

3:26:22

16 Q. And at this point, was it your intention to
17 call Ms. Walker as a witness in the trial?

18 A. I don't know whether that was my intentions
19 or not, but certainly to list her in the event I
20 decided to call her, but I don't know that -- that's
21 all I can tell you.

22 Q. If you had any other witnesses who you felt
23 would be credible witnesses and who would create an
24 alibi for Mr. Walker, would you have listed them in
25 this paragraph to testify at trial?

1 A. I would --

2 MS. SAMUELS: Objection.

3 A. -- think so.

4 MS. SAMUELS: Speculation.

5 Q. I'm -- I'm sorry. What was your answer, sir?

6 A. I said, "I would think so." 3:27:03

7 Q. Is there any reason, as you sit here today,
8 other than a person not being credible or not offering
9 evidence that would exonerate your client, is there any
10 other reason why you would not list a witness in this
11 particular document?

12 MS. SAMUELS: Same objection.

13 A. Nothing comes to mind.

14 Q. Now in your course -- in the course of
15 conducting an investigation on any kind of case but
16 particularly a murder case, you -- you need to assess
17 the credibility of every witness that you interview, is
18 that fair to say?

19 A. That's fair to say.

20 Q. And you also need to determine whether or not
21 a witness can provide the kind of testimony that would
22 actually help your defense, is that fair to say?

23 A. Yes. 3:27:53

24 Q. And you -- you had -- you -- you have to
25 figure both of these things and you have to make a

1 decision about whether or not a witness is beneficial
2 to your case, correct?

3 A. Correct.

4 Q. And if they're not beneficial, then you --
5 then you typically won't call them, right?

6 A. That's correct.

7 Q. All right. All right. Now, do you have an
8 independent recollection about this trial at all?

9 A. No. 3:29:04

10 Q. Do you recall that at the close of the
11 state's case in this trial of -- of Xavier Walker, you
12 moved for a directed verdict?

13 A. I do not recall that, but it's certainly
14 something that I would think I would have done as a
15 matter of course.

16 Q. And in this case, you moved for a directed
17 verdict, one, because there was no independent evidence
18 establishing Xavier Walker's guilt, and two, because
19 his statement should have been -- his statement was
20 coerced. And your -- your motion to -- for a directed
21 verdict was denied, and the court in this case
22 essentially says to you the strength of this video is
23 -- is enough. Like, the strength of this video to me
24 shows his guilt. Do you recall that happening?

25 A. I do -- I do not. 3:30:20

1 Q. And then after the judge denies your motion
2 for a directed verdict, you rested your case, and you
3 did not present any additional witnesses in this case.
4 Any -- and you didn't call any witnesses in defense of
5 Xavier Walker. Do you recall that?

6 A. I do not recall that. 3:30:59

7 Q. But your decision -- well, we can talk more.
8 Your decision to not call a witness -- let me just say
9 -- strike that. If you felt that calling a witness
10 would have helped your case, would you have called that
11 witness?

12 MS. SAMUELS: Objection. Calls for
13 speculation. Incomplete hypothetical.

14 A. So 20 years later, I'm not going to engage in
15 hindsight, because you know, I -- I -- I can't say 20
16 years later why I did or did not do something 20 years
17 ago.

18 Q. You were at trial, and your motion -- today,
19 if you're at trial and your motion for a directed
20 verdict is denied, and based on the judge's ruling on
21 -- and this -- make hypothetical -- based on the
22 judge's ruling, you don't think your witnesses are
23 going to make a difference in this case, would you call
24 them to testify?

25 MS. SAMUELS: Same objection. Incomplete

1 hypothetical. And argumentative. Foundation.

2 A. Hypothetically, I have -- I have been
3 involved in having a motion for a directed verdict
4 denied and chose to rest my case thereafter, and on
5 some occasions the court then rules in my favor, and
6 then some occasions it rules not in my favor. So it's
7 -- it's just an assessment that I make.

8 Q. Yes, it's an assessment that you make based
9 on the credibility of your witnesses, correct?

10 A. Well, based on my -- my total review in my
11 own mind of the strength of the case that I would be
12 presenting.

13 Q. And if you feel that a witness's testimony
14 does not strengthen your case, is it fair to say that
15 you would choose not to call them?

16 MS. SAMUELS: Objection. Incomplete
17 hypothetical. Foundation. Speculation.

18 A. That's probably fair. 3:33:25

19 Q. All right. And if a witness has testimony
20 that doesn't advance your defense, it's fair to say
21 that you're not going to call them either, is that --
22 is that fair to say?

23 A. Yes, that's fair to say.

24 MS. SAMUELS: Same objections on that.

25 Q. And that's a -- that's a decision that you

1 make at the time -- like you may have been planning to
2 call them, but based on how things shake out after you
3 argue your motion for directed verdict, that's a --
4 that's a game-time decision that you have to make, is
5 that fair to say?

6 A. Yes. 3:34:01

7 Q. All right. Now the -- the trial ends in a
8 guilty verdict, and there -- a period of time goes by
9 before there's actually a sentencing. Do you -- do you
10 recall that?

11 A. I don't recall it, but that tends to be the
12 case normally.

13 Q. Now, while this case is, like, between the
14 trial and the sentencing, you continued to represent
15 Mr. Walker in this case, correct?

16 A. Correct.

17 Q. In fact, you were still representing him in
18 2004 while the sentencing was pending, correct?

19 A. I believe that's correct. 3:35:03

20 Q. And as a result of representing him, are you
21 -- do you -- did you receive disciplinary reports from
22 the Cook County Department of Corrections?

23 A. I don't recall that.

24 Q. You don't recall ever receiving disciplinary
25 reports from the Cook County Department of Corrections

1 -- Corrections?

2 A. I don't -- I don't recall.

3 Q. I mean -- okay. Let me ask you this. Have
4 you received disciplinary reports from the Department
5 of Corrections with respect to other clients that
6 you've represented?

7 A. No.

3:35:44

8 Q. Okay. All right. All right. I'm going to
9 represent to you that this document was produced in
10 connection with your file as Bates stamp BS386, and I'm
11 going to ask that you take a close look at this. Did
12 you come to learn that Mr. Walker was being charged
13 with possession of contraband while he was at the Cook
14 County Department of Corrections?

15 A. The -- that's what this document reflects.

16 Q. Do you have an independent recollection that
17 he was charged?

18 A. Correct. I have no independent recollection.

3:37:00

19 Q. Did you have the opportunity to talk with him
20 about this charge?

21 A. I don't recall.

22 Q. Now, as his defense counsel in the underlying
23 murder case, did you represent him in connection with
24 this case?

25 A. I don't recall that I --

1 Q. I'm sorry, did I -- did we break up?

2 A. No, I'm here. Do you hear me?

3 Q. Oh, yes. No, I didn't.

4 A. I said I did not -- do not recall if I
5 represented him in this matter or not.

6 Q. Okay. The description of the incident states
7 that "On the above date," which I took to mean -- the
8 above date is -- is here somewhere. Oh, date of
9 infraction, looks like April 20th, 2004. But certainly
10 it was at some point in 2004 that "while RO was
11 searching detainee Walker, Xavier, found one sharpened
12 metal object approximately six inches long inside the
13 right foot that Detainee Walker was wearing. RO asked
14 Detainee Walker if these boots were his, and Detainee
15 Walker replied, 'Yes.' Sergeant Walker (sic) was
16 notified, identified sharpened metal object with tape
17 and badge number 7971 written on it." Did I read that
18 correctly, sir?

19 A. You did.

3:38:46

20 Q. All right. Now, if I scroll down, April the
21 grand jury convened with -- with respect to the offense
22 of possession contra in a penal institution. And I
23 will also represent that this document was in your
24 file, and so given that these documents were in your
25 file, did you represent Mr. Walker in connection with

1 these charges?

2 A. I have no recollection of that.

3 Q. Did you -- do you have any recollection of
4 having spoken to Mr. Walker about this charge?

5 A. I do not.

6 Q. Now, this was one of several disciplinary
7 reports that were -- that were in your file, and I know
8 I've asked you once but I want to ask you again, you
9 have no recollection of having received disciplinary
10 reports for Mr. Walker at all?

11 A. Correct.

3:40:03

12 Q. Do you believe these reports could have come
13 from somewhere else?

14 A. I make no -- I have no idea how I came into
15 possession of these documents.

16 Q. Okay. Now, as a part of Mr. Walker's
17 sentencing, he had to submit to an evaluation by the
18 Cook County Adult Probation Department. Do you recall
19 attending a meeting with him on that?

20 A. Attending a meeting with Cook County
21 department of probation?

22 Q. Yes.

23 A. I do not recall that.

3:40:59

24 Q. All right. I'm showing you what's been --

25 MS. SHOFFNER: Madam Court Reporter, can you

1 help me out here, what number are we on in terms of
2 exhibits?

3 RECORDER: So the last one would have been
4 10, making this one 11.

5 Q. All right. I'm showing you what's been
6 marked as Exhibit Number 11, BS 0415 consecutive
7 through 0422, and it is entitled "Circuit Court of Cook
8 County Adult Probation Department Investigative
9 Report." And I will represent to you, sir, that this
10 was contained in your file that was produced in this
11 case. Now, I'm looking at the bottom of page 1, and is
12 this your handwriting right here?

13 A. Yes, it is. 3:42:36

14 Q. And could you please state what it says?

15 A. Well, it says two different things. It says,
16 "Long," and then it says, "45 years IDOC." Then it
17 says, "1/5/05 sentencing, 35 years IDOC, 30 days to
18 appeal."

19 Q. And do you recall writing that document?

20 A. I do not recall writing it, but it is
21 certainly my handwriting.

22 Q. Okay. Now, do you recall meeting with the
23 probation officer to conduct this interview?

24 A. No. 3:43:16

25 Q. Generally, do you know what the purpose of

1 this interview is?

2 A. Well, these interviews -- I believe this was
3 considered a presentence investigation report conducted
4 by the probation department. And that being said, I'm
5 not aware of any incidence in which I've been involved
6 in that process by the probation department.

7 Q. Okay. I just want to take you to a couple
8 pages where they do reference you to -- to confirm that
9 you -- and is -- is -- this is your -- this is your
10 handwriting here?

11 A. Yes. 3:43:58

12 Q. And on page 4, and what does that say?

13 A. It says, "No violation of work release."

14 Q. Okay. Now, on page 5 of the report, this is
15 the "Official Version of the Offense." And then it
16 says, "The defendant provided all the information in
17 this investigation unless otherwise indicated.

18 Verified information will be indicated in the
19 investigation, and verification materials may be
20 included in a separate envelope attached to this

21 investigation." And then underneath, where it says,

22 "Defendant's Version of -- of the Offense," it says,

23 "Based on the advice of his attorney, the defendant did

24 not wish to provide his version of the offense." Were

25 you -- were you present when Mr. Walker asserted that

1 he was resting on your representation not to discuss
2 the incident?

3 A. Well, this report would certainly seem to
4 indicate that, although I have no recollection of being
5 present.

6 Q. Okay. And then -- so you're saying that you
7 very well may have been there and in your capacity as
8 his attorney?

9 A. Yes. 3:45:21

10 Q. But you have no independent recollection?

11 A. That is correct.

12 Q. So if someone from the Adult Probation
13 Department comes and says, "No, the attorney wasn't
14 there, that's just what Mr. Walker said," then you
15 would not dispute that?

16 A. I have no recollection of being present or
17 not being present, so no --

18 Q. Okay.

19 A. -- I would not.

20 Q. All right. All right. Let's just -- and
21 then there's a narrative that follows, and on page 6,
22 Mr. Walker or "The defendant stated he was expelled
23 during his sophomore year due to absenteeism --
24 absenteeism." Excuse me. "The defendant stated that
25 he lacked an interest in school and wanted to run the

1 streets." Do you recall him saying that during the
2 interview?

3 A. I don't recall being present in the
4 interview.

5 Q. All right. Do you have any reason to dispute
6 the -- the truth of that assertion?

7 A. No.

8 Q. And then under "Employment," it states that
9 "The defendant stated that he has never been employed
10 and that he has always been supported by his family.
11 The defendant does not have any future employment plans
12 at this time." Do you have any reason to dispute the
13 truth of that assertion?

14 A. No.

3:47:06

15 Q. And then going on, "Defendant reported that
16 when he was 16 years old, he first tried marijuana.
17 The defendant indicated that he used marijuana with his
18 friends approximately every other day. The defendant
19 last used marijuana before he was arrested on this
20 case." Do you have any basis to dispute the assertions
21 in this paragraph?

22 A. I have no basis to dispute or -- or accept.
23 I don't -- I have no knowledge.

24 Q. Now, in the next paragraph, it states, "The
25 defendant admitted to a membership with the Insane Vice

1 Lords street gang of the Chicago's West Side. He
2 reported that he joined the gang at age 15 or 16." Do
3 you have any basis to dispute the assertion of
4 paragraph -- in that paragraph related to his gang
5 affiliation?

6 A. I -- I can neither dispute or -- nor accept
7 it. I have no knowledge.

8 Q. All right. And did -- did -- do you have any
9 memory of whether or not Xavier Walker expressly told
10 you that he was or was not a member of the Insane Vice
11 Lords street gang?

12 A. I have no memory.

13 Q. Then I think if we go further on in that, it
14 says, "The defendant stated that most of his friends
15 are strength -- are -- are gang members. The defendant
16 stated that the codefendant in this case was a gang
17 member. He advised that most of his friends have a
18 criminal background." Did I read that correctly?

19 A. Yes. 3:49:22

20 Q. And do you have any basis to dispute the
21 assertions that are made in that paragraph?

22 A. I can't dispute it nor admit to it. I have
23 no knowledge.

24 Q. All right. Oh, there's one other thing. Oh,
25 under "Economic Status," it states, "The defendant

1 stated that prior -- prior to incarceration, he was
2 supported by his family. The defendant denied having
3 any income, assets, monthly expenses, or outstanding
4 financial obligations. He has never declared
5 bankruptcy." Did I read that correctly?

6 A. Yes, you did. 3:50:21

7 Q. And do you have any basis to dispute the
8 assertions in that paragraph?

9 A. I have no knowledge about his correctness or
10 -- or lack of correctness.

11 Q. All right. All right. We're getting there.
12 I now want to talk to you about the affidavit that
13 we've referenced today, the affidavit that you signed,
14 sir. You indicated earlier that you spoke to Mr.
15 Harold Winston?

16 A. Yes. 3:51:11

17 Q. And when was that?

18 A. Oh, jeez. I -- I can't tell you. I don't
19 have no recollection of the dates.

20 Q. Was it on or around the time that you signed
21 the affidavit?

22 A. It certainly would have been.

23 Q. So that would have been roughly in about
24 2014?

25 A. That seems like -- like it's possible, yes.

1 Q. And how did your affidavit come -- come to be
2 created?

3 A. I -- if memory serves me right, I may have
4 had a face-to-face meeting with Mr. Winston, and
5 following that meeting, he prepared an affidavit based
6 upon my speaking with him and sent it to me for my
7 review.

8 Q. Now, was the first time that you spoke to him
9 about Xavier Walker in a face-to-face meeting with him?

10 A. I don't recall that. 3:52:19

11 Q. Well, you indicated that you had a
12 face-to-face meeting with him, correct?

13 A. I did have a face-to-face meeting with him,
14 but the first time I spoke to him may have been by
15 telephone. I don't -- I don't recall.

16 Q. Okay. With -- with respect to the substance
17 of -- of this case, like, during the face-to-face
18 meeting, what did you discuss?

19 A. Oh, jeez. I don't recall that at all.

20 Q. All right. Now, did you -- at the time you
21 had had your face-to-face meeting, had you already
22 given him your file in this case?

23 A. I don't recall that. 3:53:01

24 Q. Would it be fair to say that you gave him the
25 file on or -- or near the time that you had a

1 face-to-face meeting?

2 A. That would seem so, but I don't know if it
3 was before the face-to-face or subsequent to the
4 face-to-face.

5 Q. Your file was quite voluminous, is it fair to
6 say? It was well over 700 pages worth of documents?

7 A. I think that's fair to say.

8 Q. And would you have mailed those documents, or
9 would you have handed them off to him?

10 A. I would have handed them off to him, I
11 wouldn't -- delivered them to his office for them to be
12 xeroxed and returned to me.

13 Q. Is that what you did in this case?

14 A. Yes, I do -- I believe that I did. I don't
15 have any -- a specific recollection, but I'm sure I did
16 not mail or have mailed a 700-ish page document.

17 Q. Correct. I understand. And when -- do -- so
18 did you meet with him -- do you recall if he had
19 already had an opportunity to review your documents or
20 not?

21 A. I do not recall that.

3:54:08

22 Q. And I believe you said that he had a
23 briefcase full of documents, at some point today.

24 A. I -- my -- my -- I would have delivered to
25 him my file in a briefcase, yes.

1 Q. I -- okay. So you delivered your file. And
2 -- and you -- did you deliver the whole thing?

3 A. I don't understand that question. I -- I
4 delivered the file that I had in a briefcase to Mr.
5 Winston's office.

6 Q. All right. Well, I -- I guess my question is
7 -- is, when you say you delivered the file, is that all
8 the documents that you had pertaining to Xavier
9 Walker's criminal case?

10 A. I believe so.

11 Q. And at the time that you all had your
12 face-to-face meeting, had he -- to your knowledge, had
13 he already reviewed your file?

14 A. I have no knowledge. 3:55:10

15 Q. Where did you meet?

16 A. Oh, jeez. It was in a downtown office. It
17 may have been at 69 West Washington. I'm not sure.

18 Q. And did he tell you why he wanted to meet
19 with you?

20 A. I don't recall that.

21 Q. But certainly he told you that it was about
22 Xavier Walker, is that --

23 A. Certainly.

24 Q. -- fair to say? Okay.

25 A. Certainly.

1 Q. And how many times did you meet with Mr.
2 Winston?

3 A. Oh, jeez. I -- once, maybe twice, but -- but
4 once for sure.

5 Q. Okay. And during this meeting, did Mr.
6 Winston ask you to -- to sign an affidavit?

7 A. He was -- asked me to review an affidavit
8 that he was preparing for my signature, make whatever
9 corrections I deemed appropriate, if any, and then
10 return it to his office.

11 Q. Did he tell you why he wanted an affidavit?

12 A. I don't know that he did, but I believe I
13 understood that he was representing Mr. Walker in an --
14 in an appeal of his conviction.

15 Q. And did you understand that at that point in
16 time, they -- that at -- at some point in time, an
17 argument that ineffective assistance of counsel was
18 being argued as a basis for Mr. Walker's release from
19 jail?

20 A. I believe I understood that. 3:57:20

21 Q. And how did -- what did you -- if you can
22 recall, what did you think about that?

23 A. I don't -- I have no recollection of how I
24 thought about that. You know, I -- I know that most
25 appeals of -- of criminal convictions involve at the

1 very least an argument of ineffectiveness of counsel,
2 so.

3 Q. You -- because many appeals include an
4 argument of ineffective assistance of counsel, is it
5 fair to say that it -- it didn't bother you personally
6 that they were -- were going to assert ineffective
7 assistance of counsel in this case?

8 A. Did it bother me personally? No, it did not
9 bother me personally. I -- you know, no, it did not.

10 Q. Did you feel that your representation of Mr.
11 Walker was ineffective?

12 A. No, I did not. 3:58:16

13 Q. Did you feel that you did the best you could
14 with the facts that you had presented to you?

15 A. I felt that at the time.

16 Q. Now, when you -- when you met with Mr.
17 Winston, did he tell you in advance what the affidavit
18 would say?

19 A. I don't recall that.

20 Q. So did they give you an affidavit when you
21 met with him and then you took it with you?

22 A. I don't recall if they gave me an affidavit
23 when I met with him or if they prepared one subsequent
24 to the meeting and sent it to me for my review.

25 Q. Do you recall if you made any changes to the

1 affidavit that was first presented to you?

2 A. I don't recall. 3:59:25

3 Q. All right. I'd like to take a look at the
4 affidavit. Just one second here. All right. Showing
5 you what is being marked as number --

6 MS. SHOFFNER: Is this number 9?

7 RECORDER: Exhibit? I would have for 12. 4:00:32

8 MS. SHOFFNER: Oh -- oh, this is 12?

9 RECORDER: Yeah.

10 MS. SHOFFNER: Oh.

11 RECORDER: The last one, you didn't mention
12 but it would have been 11. Oh, no, we did. We
13 discussed it. It was 11, and then 10 before that,
14 yeah.

15 MS. SHOFFNER: All right. Okay. 12. So
16 which one is this?

17 RECORDER: This would be 12.

18 MS. SHOFFNER: Oh, this is 12.

19 Q. All right. Let's just go through this
20 briefly. In paragraph three, it states, "When I
21 represented Xavier Walker, I did not have an
22 investigator, and I had to do all my own
23 investigation." You see that there?

24 A. I do. 4:01:34

25 Q. And you've indicated that you've had two

1 other murder trials since -- since this case, but that
2 you're also a solo practitioner. Do you currently have
3 -- have an investigator that does your investigations?

4 A. No, I do not.

5 Q. Have you always done your own investigations?
6 Do --

7 A. I have.

8 Q. Did you think that you needed an investigator
9 in the Xavier Walker case?

10 A. At the time, I did not think that. 4:02:11

11 Q. Do you think that -- looking back on it
12 today, do you think that you needed to have an
13 investigator assist you?

14 A. Well, looking back on it today, there's
15 several things that I did that I would have do -- that
16 I would do differently, that -- that -- that would --
17 that being one of them.

18 Q. All right. Looking back -- okay. That being
19 one of them. What else would you have done
20 differently?

21 A. I probably would have made sure that I
22 clearly understood Xavier's physical injuries prior to
23 being arrested and subsequent to being arrested, and
24 made a -- and made an argument in my motion to suppress
25 on both -- on both counts.

1 Q. All right. Other than having an investigator
2 and understanding his injuries, what else would you
3 have done differently in the defense of Xavier Walker?

4 A. It's -- it's -- you know, the -- there -- you
5 could always second-guess yourself about doing this or
6 not doing that, and then, you know, there -- there
7 probably are several things as I -- just can't itemize
8 them right now, that I would have done differently or
9 not done at all.

10 Q. Is there anything that you did that you would
11 not have done at all?

12 A. No, nothing that I can think of as I sit
13 here.

4:03:45

14 Q. All right. In paragraph four, it says,
15 "Xavier gave me the names and contact information of
16 some witnesses, including Simeon Dorsey, Deon Baylock,
17 and Marvin Mosley. I also knew Xavier's sister,
18 Shunralyn Walker, could be a witness." So did -- was
19 it -- was it Xavier who gave you Mr. -- was it Xavier
20 Walker who gave you these names and -- and contact
21 information?

22 A. I -- it must have been. That's what the --
23 that's what the affidavit says.

24 Q. And -- and you identified three out of four
25 of these folks in your -- in your pretrial discovery,

1 correct?

2 A. Yeah, I do recall that. 4:04:35

3 Q. And so -- so why is this paragraph in here?

4 A. I don't recall that. I -- I -- I don't have
5 the recollection as to why that -- why the affidavit is
6 constructed as it is.

7 Q. All right. But it states that Xavier gave
8 you these names. These were the same names that you
9 used in your -- in your pretrial motion, all except for
10 Marvin Mosely, right?

11 A. Yes. 4:05:11

12 Q. And you had the -- the Chicago Police
13 Department supp reports with -- with the names and
14 telephone numbers and addresses of all these
15 individuals, is that fair to say?

16 A. Yes.

17 Q. All right. So they could have been
18 contacted, correct?

19 A. Clearly.

20 Q. Okay. And it -- and -- and they may have
21 been contacted, you just don't have independent
22 recollection, is that what you're -- is that what -- is
23 that -- do I understand that correctly?

24 A. Correct. Yes, you are.

25 Q. And then, "Xavier told me Bubbles was at the

1 police station and heard Xavier crying after being
2 beaten. I do not know why I did not call Bubbles as a
3 witness at the motion to suppress statements." Now,
4 you put the name Bubbles in here, but you -- you
5 certainly had the information from -- and contact
6 information from Antwoine Waddy in the police reports,
7 correct?

8 A. I had contact information in the police
9 reports, yes.

10 Q. And -- and -- and you also had the statement
11 from Antwoine Waddy contained in those reports wherein
12 he -- he states that he was at the police station,
13 correct?

14 A. I recall seeing that, yes.

4:06:25

15 Q. So Xavier wasn't your only source of
16 information relative to where -- that Bubbles was there
17 or that these other individuals were witnesses in this
18 case, correct?

19 A. That seems to be just -- that seems to be the
20 case.

21 Q. All right. And then, "At the trial, in my
22 opening statement, I repeatedly said the court would
23 hear evidence about who was with Xavier that night and
24 about the police coercing Xavier to obtain a statement
25 from him." Now, I will say that your opening statement

1 does indicate that you intend to call both Simeon
2 Dorsey and Deon Baylock to testify. Did you plan on
3 calling them to testify at the time you gave your
4 opening statement?

5 A. At the time I gave my opening statements, I
6 certainly entertained the possibility of calling them.

7 Q. Had you spoken to them about the substance of
8 their testimony?

9 A. I got to -- as I stand here now, I don't
10 recall. But I would -- I've got to believe that I must
11 have.

12 Q. Right. Because you would not have
13 represented to the court that you're going to call a
14 witness when you haven't already determined what the
15 nature of their testimony is going to be, is that fair
16 to say?

17 A. Fair to say.

4:07:48

18 Q. And then eight, "I do not know why I did not
19 put on any witnesses at trial." Have you ever tried a
20 case, a criminal case, where you did not move for a
21 directed verdict?

22 A. No.

23 Q. You always move for a directed verdict, is
24 that fair to say?

25 A. That's fair to say.

1 Q. And in some instances, that's the endgame,
2 correct?

3 A. Sometimes.

4 Q. Like, you know that you move for a directed
5 verdict, and if you don't get it the game -- game is
6 over, the case is closed -- over?

7 A. Well, you then have a decision to make if
8 you're -- if you don't get the directed verdict. Do
9 you put on any evidence, or do you rest?

10 Q. And if you have a very steep hill to climb in
11 terms of overcoming the state's evidence and you don't
12 have very much evidence to support those arguments, is
13 it fair to say that you would rest your case and not
14 put on just a couple of witnesses who -- who -- who you
15 know can't get the job done?

16 A. Well, I think it's safe to say that you're
17 constantly evaluating your case and looking at it in
18 its totality, and so the decisions that are made are
19 not made in an isolated fashion. You could -- you view
20 everything in your pouch, so to speak, and then make
21 your decision, and that's what I did.

22 Q. Yes. And then in paragraph nine, it says, "I
23 do not recall if I lost contact with any witnesses."
24 That's kind of like saying you don't recall if they
25 were waiting out in the hall, isn't that true?

1 A. I do not recall is what I said, and I do not
2 recall.

3 Q. You don't recall -- do you recall if the
4 witnesses were waiting in the hall waiting to testify?

5 A. I do not -- I do not recall if I had
6 witnesses in the hall or not.

7 Q. You don't recall anything about what the
8 status of your witnesses were when you gave -- when you
9 filed your motion for a directed verdict?

10 A. No, I said to you earlier today that I did
11 not recall anything surrounding the trial, and that
12 remains true even now.

13 Q. And it was true when you spoke with Mr.
14 Winston and you told him that you didn't recall whether
15 or not you had the witness's phone numbers, correct?

16 A. I don't recall my conversation with Mr.
17 Winston.

4:10:37

18 Q. But it's fair to say that you at least told
19 him that you didn't recall whether or not you had lost
20 contact with witnesses?

21 A. Well, that is contained in the affidavit, so
22 presumably I told him that, but I don't recall what I
23 told Mr. Winston.

24 Q. All right. And then -- and then in the next
25 paragraph, "I do not know why, after the judge denied

1 my motion for a directed finding, I did not request a
2 continuance to obtain testimony of witnesses." In your
3 mind, does this sentence assume that you made a
4 decision to call witnesses?

5 A. This sentence says that I don't know why I
6 didn't request a continuance to call witnesses, so I
7 don't know if it -- if it means that or if it means I
8 simply decided not to call witnesses.

9 Q. So statement ten -- are you saying that
10 statement -- that this contained in statement ten is
11 the assumption that you made a decision not to call
12 witnesses?

13 A. Statement ten states -- says -- you know, it
14 says what it says.

15 Q. Right. But I'm asking you about whether or
16 not you were reserving your right to not call
17 witnesses?

18 A. I was not -- I made no -- no such
19 reservation. I mean, having decided to rest, that case
20 was -- the case was now closed, left -- it was left for
21 a judge to decide.

22 Q. And when you didn't --

23 A. There was nothing that -- that -- at no time
24 did I tell the judge I want to reserve the right to
25 call witnesses but you can go ahead and decide the case

1 in the interim.

2 Q. That's correct, but also, sir, when you
3 rested your case, you had made a decision not to call
4 witnesses, is that fair to say?

5 A. I think that's fair to say.

6 Q. All right. Now -- now, at one point the --
7 the -- your -- your representation of Mr. Walker ended,
8 and the public defender assumed the appeal in this
9 case. Do you recall that?

10 A. Vaguely. 4:13:35

11 Q. And you were asked to review the -- the
12 appeal to reverse the conviction. Do you recall that?

13 A. I -- I don't recall that. I assume -- I
14 presume that to be true, but I don't recall it.

15 Q. Well, the motion -- the brief on appeal, it
16 didn't argue ineffective assistance of counsel, is that
17 fair to say?

18 A. I can't answer it. I don't know that I've
19 read the brief on appeal.

20 Q. Okay. Do you know the outcome of the brief
21 on appeal?

22 A. I do not. 4:14:25

23 MS. SHOFFNER: Okay. All right. I just have
24 one more group of exhibits for us to go over, and I
25 will cede my time.

1 MR. MILLER: Can we have a five-minute break?

2 MS. SHOFFNER: Oh, let's take a -- yeah.

3 Let's just take a ten-minute break.

4 WITNESS: Okay.

5 RECORDER: Off the record --

6 MS. SHOFFNER: And then --

7 RECORDER: -- 3:45 p.m.

8 (Off the record)

9 RECORDER: Back on the record, 3:55 p.m. 4:14:59

10 Q. All right. Mr. Wilson, the Plaintiff had
11 produced a few of your notes -- Plaintiff's Counsel,
12 and I would just like to take some time and go through
13 those notes that we believe are your notes, just to
14 confirm that and see what the documents say.

15 A. Okay.

16 Q. All right. This first document I have is
17 dated, it looks like 7/1/02, is that -- do I have that
18 correct?

19 A. Yes.

20 Q. All right. Can we just read through what --
21 what this page says to us?

22 A. It says -- first sentence says, "Client
23 visit, trial preparation." Then it says, "Hershurla
24 Byrd, female, Jovanie's girlfriend." Then it says,
25 "Contact Bedsole to get pictures." It says, "Subpoena

1 phone records for" -- I don't know what "DOI" --
2 department of -- I don't know what that -- who D -- who
3 or what -- "For DOI." I don't know what that is. If
4 you -- scroll it up, please.

5 Q. Oh. 4:16:24

6 A. Then it has -- come down -- I'm sorry. That
7 -- that was good.

8 Q. Sorry about that.

9 A. Come down to -- stop. Just go up slowly.

10 Q. Right there.

11 A. "Tari Montgomery," and lists two different
12 phone numbers. First one says, "Current," and the
13 second one says -- it appears to say, "On DOI." I
14 don't know what that means.

15 Q. All right.

16 A. "Client was taking -- taken to" -- maybe "to
17 jail, off and on all day." And then it's "7/5/02," and
18 it lists the name "Simeon" and a cell number for Simeon
19 and an address for Simeon with another phone number
20 underneath that, which I think my notes reflect is his
21 sister's cell phone. Then we have "7/7/02." Scroll
22 up, please.

23 MS. SHOFFNER: I'm in here. 4:17:32

24 A. It seems to say, "Have mom get Deon's phone
25 number from Shamiral (phonetic)."

1 Q. Okay. All right. Let's just go back to the
2 top quite briefly. All right, so on July 1st, "Contact
3 Bedsole." Does that refresh your recollection that you
4 attempted to reach out to Deborah Bedsole?

5 A. It's -- it -- it does not reflect my
6 recollection, but those -- that's certainly is what my
7 notes seem to -- to indicate.

8 Q. And then -- and did you say after that it
9 says, "to get pictures"?

10 A. Let's see. It says, "Subpoena phone records
11 for" -- it says, "get pictures." Yes, it does say
12 that. It says, "Contact Bedsole to get pictures."

13 Q. Okay. And -- okay. And then just up a
14 little bit, "Hershurla Byrd, female, Jovanie's
15 girlfriend." Do you know why you were trying to get a
16 -- do you know why she was relevant or why you wanted
17 to -- to -- to -- get her.

18 A. I do not, no.

19 Q. And you're -- you're seeing these notes, but
20 it doesn't refresh your recollection that you actually
21 attempted to contact Hershurla Byrd or talked to her?

22 A. Correct.

4:18:58

23 Q. And then similarly with respect to Bedsole,
24 it was to get pictures, but it doesn't indicate that
25 you made an effort to get those pictures but that you

1 just wanted to get them, correct?

2 A. Correct.

3 Q. And then it says, "Subpoena phone records for
4 department of investigations," do you know -- do you
5 know what that was about?

6 A. I do not recall.

7 Q. All right. And then Tari -- does that say,
8 "Montgomery"?

9 A. Tari Montgomery.

10 Q. And -- and who is Tari Montgomery?

11 A. I -- it says -- the arrow says that -- that,
12 "Client was talking to Tari off and on all day." I --
13 I don't know who Tari Montgomery is."

14 Q. Okay -- called her?

15 A. I do not. There are two phone numbers there
16 and I don't know that I ever called Tari Montgomery.

17 Q. Okay.

4:19:55

18 RECORDER: -- interrupt. That last question
19 cut out right before the answer. Would you be able to
20 repeat that one more time?

21 WITNESS: The question or the answer?

22 RECORDER: The question and the answer,
23 honestly.

24 Q. All right. And the question was, did you
25 call Tari Montgomery? Do you know if you called --

1 A. And I don't recall. There -- there are two
2 phone numbers for Tari Montgomery, and I don't recall
3 that I ever called her at either number.

4 Q. All right. And then under "7/5/02," it says
5 -- it has Simeon's cell, address, phone number, and it
6 says that's his sister's cell. Off to the left of
7 that, there's some scribble there. Do you see that?

8 A. Yeah, I do. 4:20:44

9 Q. Can you tell me what that says?

10 A. It says -- it says -- I believe it says,
11 "Call Saturday, 5/13."

12 Q. Okay. And did you -- do you know as you sit
13 here whether you made that call?

14 A. I do not. 4:21:08

15 Q. All right. And then under "7/7" --

16 A. Go ahead.

17 Q. Is -- it's -- when it says here, "Have mom
18 get Deon's phone number," is this Shunralyn Walker,
19 Xavier's sister?

20 A. I don't know, but I would -- that -- that --
21 maybe it's a different person altogether, but it could
22 be Shunralyn. If it's Shunralyn, it would certainly be
23 Xavier's sister.

24 Q. Okay. All right. And then let's just go on
25 to the next page.

1 A. "7/16, Xavier visit."

2 Q. All right. And -- and what is -- what does
3 that next line say starting with the scribble to the
4 left of the margin?

5 A. Actually, I can't make out what that scribble
6 says.

7 Q. Okay.

8 A. Then it says, "Have Anthony contact
9 Cranberry, old state's trooper who is retired. Call
10 parents for Devon's (sic) number. Call Tara regarding
11 phone calls with -- with client, on day -- on day, guy
12 client." I don't know what any of that means now.

13 Q. Okay. But when it says, "Have Anthony
14 contact Cranberry, old state trooper, retired," were
15 you looking to hire an investigator to assist you?

16 A. I don't know that. I don't know that. I --
17 I don't know who -- Anthony was -- was Anthony
18 Pettigrew who referred Xavier to me, but I don't know
19 what that reference regarding Cranberry pertains to.

20 Q. And then, "Contact Cranberry, old state
21 trooper," do you know a Cranberry who is an old state
22 trooper?

23 A. I do not.

4:23:17

24 Q. So as you sit here today, you don't know what
25 this is in relation to?

1 A. Correct.

2 Q. All right. And then -- and then under the
3 line -- let's just scroll down here. Starting with
4 officer -- does that say officer -- Officer Prine?

5 A. Yes.

6 Q. Okay. And who is Officer Prine?

7 A. Apparently, he was an officer who was
8 assigned to division nine, section 1G, and apparently
9 his shift was 7:00 to 3:00.

10 Q. And why did you need to -- why -- why -- why
11 is he referenced here?

12 A. I don't know. It had to have something to do
13 with what Xavier told me, but as I sit here today, I do
14 not recall what that was.

15 Q. Okay. And then the next line, there's a line
16 here, there's no date, but what -- what does this say
17 here?

18 A. It says -- starts with, "Simeon spent Friday
19 night at my house hanging out." This must have been
20 what Xavier told me. Then he said, "Deon came to my
21 house between 11:00 and 12:00 on Saturday. The three
22 of us stayed together all day, played cards, stayed
23 outside talking to guys, went inside and talked on the
24 phone, planned the rest of the day to go to the club."

25 Q. Okay. Now, "you planned the rest of the day

1 to go to the club." Now, in the -- in the -- in the
2 margins, before you read the next line, there's
3 something in the margins there?

4 A. Yeah. It's -- it's sort of cut off, but the
5 first one says, "Xavier," then it says, "Charles,
6 Marvin, Deon, Simeon," it lists -- lists some names.
7 "Simeon" --

8 Q. So --

9 A. I don't know what's under "Simeon," but the
10 last thing says, "Friends."

11 Q. Okay.

12 A. I don't know.

13 Q. So it looks like it provided a list of -- of
14 -- of -- of friends of his, including Charles, Deon,
15 Simeon. Can you see what that is right there, right
16 above "Friends," what word that is?

17 A. I can -- I can only hazard a guess. I don't
18 know what that says.

19 Q. Okay. And so, "Planned the rest of the day
20 to go to the club," and then it says, "My friend," is
21 that right?

22 A. "My friend -- my friend Charles just got off
23 house arrest. Came home from boot camp. First time on
24 -- first time for all guys to hang out and kick it
25 again." And then I have the "Wax Factory on Lake and

1 St. Louis." "Marvin has the car." Scroll up, please.
2 "Marvin has the car. I was going in my sister's car.
3 Shawni (phonetic)" -- maybe "had a Grand Ford Taurus.
4 I was licensed. Had just gotten my driver's license a
5 couple of days before this."

6 Q. All right. And this is -- this is what
7 Xavier told you, and you're writing the notes down?

8 A. Correct. 4:27:06

9 Q. And was this on -- on July 16th, 2002?

10 A. If you scroll back down, I can tell you what
11 date I took this down. It would have been July 16,
12 yes.

13 Q. Okay.

14 A. 2002.

15 Q. All right. So then we go to the next page.

16 A. It says, "Shawn (phonetic) let me use her car
17 to go to restaurant. She knew I was going to the Wax
18 Factory. Left house at approximately 12:10 to go to
19 restaurant. Drew and Simeon still with me. Drew left
20 out before me and Simeon. Me and Simeon left out
21 together."

22 Q. Hang on. Hang on. I just want to -- where
23 it says, "Approximately 12:10 to go to restaurant."

24 A. Yes.

25 Q. And then the next line says --

1 A. "Drew and Simeon still with me."

2 Q. Okay.

3 A. Then it says, "Drew left out before me and
4 Simeon." Then it says, "Me and Simeon left out
5 together. Walked to the car. Got in, started the car
6 up, and picked Drew up in front of his house two to
7 three doors down at approximately 12:15." Scroll up,
8 please.

9 Q. Hang on just a second. "Picked Drew up in
10 front of his house two to" -- what does that say? "Two
11 to three" --

12 A. "Two to three" --

13 Q. -- doors"?

14 A. -- "doors down."

15 Q. "Doors down." Okay. "Approximately 12:15."

16 A. "Approximately 12:15." Then it says, "Went
17 to the gas station on Central and Division. Parked and
18 went to the restaurant. I had at this point" -- I
19 said, "no drinking or getting high." Meaning, I guess,
20 he -- at this point, he had not been drinking or
21 getting high.

22 Q. Okay.

4:29:10

23 A. "We rode around looking for Marvin, then we
24 went to Cicero near my old house, old block near Cicero
25 and Erie. Took Cicero southbound to Ohio, eastbound on

1 Ohio. Ohio was blocked off with police cars.

2 Detoured, went through alley to Kilpatrick, saw

3 Jovanie, Shontae, Boo Boo," and I think that says,

4 "Bugs."

5 Q. "Bug"?

6 A. I think -- I think that's what that says.

7 Q. B-u-g-s?

8 A. Yeah. That's what I read -- that's what I
9 read it to say.

10 Q. Okay. So they detoured through that alley to
11 Kilpatrick and saw Jovanie, Shontae --

12 A. Shontae --

13 Q. -- Boo --

14 A. -- Boo Boo.

15 Q. And Bugs?

4:30:07

16 A. And Bugs.

17 Q. All right. Now that says that it was 7/16,
18 and that was the only page that we had. The next two
19 pages were apparently at a different point in time.

20 A. Okay.

21 Q. Let's just scroll down there. But -- oh,
22 wait a minute. Before I -- before I do, it says right
23 here, "Drew and Simeon left with me" --

24 A. No, it's says, "Drew and Simeon still with
25 me."

1 Q. "With me." 4:31:04

2 A. Then it says, "Drew left out before me and
3 Simeon." Then it said, "Me and Simeon left out
4 together, walked to the car, got in, started car up,
5 picked Drew up in front of his house two to three doors
6 down at approximately 12:15."

7 Q. I see. Okay. And then -- and what is the
8 date on the next page?

9 A. The date on the next page seems to be April
10 10, 2001. And it says -- it starts by listing the date
11 of "5/13/2000," and again, this appears to be notes I
12 took from a meeting with Xavier. And it says that he
13 was "at home practically all day."

14 Q. Hang on. It says, "Home" -- let's just start
15 from the beginning. "5/13/2000" --

16 A. Yes. 4:32:15

17 Q. Oh, on "5/13/2000, at home" --

18 A. Pardon me?

19 Q. Go ahead.

20 A. "At home practically all day."

21 Q. Oh, "practically." "Approximately 1:00 a.m."

22 --

23 A. "Approximately 1:00 a.m." Then it says,
24 "Mother, two sisters. Father came home from work. His
25 friends Deon and Simeon. He left the home -- left home

1 with Simeon and Drew. They were driving. He was
2 driving his sister's car" --

3 Q. Hang on. "Were driving because" -- what does
4 that say? "Were driving, client not" --

5 A. "Client was driving -- was driving."

6 Q. Oh, "was driving"? Or -- or could that say
7 --

8 A. "Was driving."

9 Q. "Was." Okay.

10 A. Then it says, "Was driving sister's car,
11 which was a four-door green Taurus." It -- it says
12 that -- I guess it was -- I have down it's "Shawn
13 (phonetic) Walker."

14 Q. Okay.

15 A. I guess it was the sister's name.

16 Q. Okay. 4:33:17

17 A. Okay. Scroll up a little. Okay. I guess
18 her birthday was 3/14. I don't know that. But it
19 says, "She's" --

20 Q. It says --

21 A. -- "she's older than me."

22 Q. It does say, "D.O.B. -- DOB," and then it's
23 crossed out, but it does say, "3/14."

24 A. Yes.

25 Q. Okay.

1 A. "She's -- she's older than me." Then the
2 next line says, "Client's DOB is 10/18/79. He was 20
3 at the time." It says, "He did not graduate from high
4 school, only went to the tenth grade when this
5 happened. He was attending Altwater School called --
6 alternative school called Westside Holistic, which he
7 attended for approximately one year."

8 Q. Okay.

4:34:19

9 A. Okay. Then the arrow comes down, said that,
10 "He was on his way to go to the club to meet a couple
11 of friends. The club was the Wax Factory on Lake and
12 St. Louis. Both friends were going with -- were going
13 with me. Simeon, who was 20 to 21, and Deon, who was
14 14. He stopped off around the old neighborhood of
15 Cicero and Erie. Showed the friends where I used to
16 live. He saw Jovanie and Boss Hog. Chavanna," I guess
17 that is. "Chavanna, Shontae, and Boo Boo -- Boo Boo
18 Mama? Boo Boo Mama. They -- they were walking.
19 Jovanie got in the car and asked where" -- scroll it
20 up, please.

21 Q. Okay. Just a second. Okay. Go ahead,
22 "Where" --

23 A. "Where we were going. He went -- he went
24 with us to the club, four of us. Stayed at the club
25 until it closed at 3:00 a.m. We drove around, back to

1 Cicero and Erie, then went to Bubbles' on Division and
2 Central. Jovanie got out of car, went to Bubbles'
3 house, returned with another friend, Boo Boo. Now it's
4 five in the car. Went to the gas station, Jovanie got
5 in driver's seat and drove around. Drew got scared and
6 jumped out of car. I told him to go back to my house.
7 Jovanie drove back to Boo Boo." Scroll up, please.
8 "Drove back to Boo Boo's. Me, Jovanie, and Boo Boo got
9 out. Jovanie and Boo Boo went to the house. I
10 returned to the car and drove off. Bubbles followed
11 me. Been planning to go to the club all day, friend
12 had just got released -- had just been released." In
13 the margin on the left, it says that, "Tara, somebody's
14 girlfriend," and lists a phone number.

15 Q. Yes. That's the number for Tara. And it
16 says, "Spoke to her about two, three hours"?

17 A. Yes. Yes. Okay. Coming back down, it said,
18 "When I picked Jovanie up, he talked about what he had
19 done. At the club, I paid for Simeon, Jovanie.
20 Jovanie paid for Drew -- Deon," rather. Okay.

21 Q. What did Jovanie say he had done? 4:37:37

22 A. I didn't -- there's nothing in here that
23 indicates what Jovanie said he had done.

24 Q. All right. Let's go through and just finish
25 the record. And then the next page?

1 A. Scroll it up, please.

2 Q. Oh.

3 A. Okay. Next page starts with the name
4 "Quinton," and says, "After 5:00," and there's a phone
5 number listed for Quinton. And then there's an arrow
6 that says, "Xavier's friend, can contact Simeon and
7 have him available for me." So apparently Quinton can
8 contact Simeon and have Simeon available for me.

9 Q. Okay. And so apparently these notes are
10 conversations that you had with Xavier Walker. Is that
11 fair to say?

12 A. That's fair to say.

13 Q. And this is where he is telling you what he
14 did on the night of the -- the night of May 13th, or
15 the night of the -- the -- the shooting?

16 A. That's what it seems to be, yes. 4:38:35

17 Q. And if this is what you wrote down, it's
18 because he told it to you, correct?

19 A. Correct.

20 Q. And this -- would it be fair to say that this
21 was where he was identifying his alibi and the
22 witnesses who would verify that he was not at the scene
23 of the shooting?

24 A. I -- I -- I -- I guess you can draw that --
25 that interpretation, yes.

1 Q. And was this -- well -- and did you -- did
2 you take notes like this throughout the course of your
3 representation of -- of Mr. Walker?

4 A. Well, I don't -- I don't know if they -- if
5 they were like this, but I would certainly take notes
6 as I met with him.

7 Q. And would you take notes as you met with
8 other people as well --

9 A. Yes.

10 Q. -- to the extent you did? Okay.

11 MS. SHOFFNER: All right. I'm just about
12 done. I just need about five minutes just to go
13 through my notes to see if there's anything else I want
14 to ask.

15 RECORDER: Okay. Off the record, 4:20 p.m. 4:39:55

16 (Off the record)

17 RECORDER: Back on the record, 4:24 p.m.

18 EXAMINATION

19 BY MR. MILLER:

20 Q. Okay. Mr. Wilson, again, my name is Graham
21 Miller. I represent the individual Chicago Police
22 Officer Defendants in this civil suit. I understand
23 we've been going for a while now, so you know, I'll --
24 I'll try to be as efficient as possible and respect
25 everybody's time. I'm going to just ask you -- I'm

1 going to follow up on some of the areas that Ms.
2 Shoffner was questioning you about. There may be a
3 couple other extra new things, but we'll try to keep it
4 brief. Just to kind of pick up where Ms. Shoffner left
5 off, just to be clear, this Exhibit Number 13 -- those
6 things that are in Number 13, those are, in fact, your
7 notes, correct?

8 A. Correct.

4:40:56

9 Q. Okay. And they're your notes that you took
10 relative to your defense of Xavier Walker in his
11 criminal case, right?

12 A. Correct.

13 Q. And is it -- was it a practice of yours back
14 in 2000 to take notes when you're handling a case?

15 A. Yes.

16 Q. And so what sorts of things would you take
17 notes for on a case?

18 A. Well, you know, I -- I take notes to -- to
19 reflect my conversations with -- with my clients
20 because I want to make sure that if there's something
21 they're saying that's pertinent to their case, that I
22 have it so that I -- I don't forget it.

23 Q. Okay. So when you're interviewing your
24 clients, obviously you're taking notes because you
25 don't want to forget exactly what they told you, right?

1 A. Correct.

2 Q. And so for that reason, you're trying to be
3 as accurate as possible when you're writing down what,
4 in fact, they said to you. Is that fair?

5 A. I try. 4:41:52

6 Q. And that would apply as well when you're
7 interviewing other witnesses? You would take notes,
8 right?

9 A. Sometimes, yes.

10 Q. And --

11 A. Most times.

12 Q. -- if you did take notes -- and when you did
13 take notes for witness interviews, you would also try
14 to take down what they said as accurately as possible,
15 correct?

16 A. Correct.

17 Q. Okay. Without having gone through or -- or
18 going through a lot of the notes that -- that we just
19 went through, the notes we did just go through
20 reflected conversations that you had with Mr. Walker,
21 correct?

22 A. Yes.

23 Q. And they were conversations that you had with
24 him on the dates that were indicated on the notes?

25 A. Yes.

1 Q. And where you took down information in those
2 notes, that was information that was coming directly
3 from Mr. Walker, correct?

4 A. Yes.

5 Q. And you were taking down that information, as
6 we just discussed, as accurately as possible, so that's
7 as close to what he said as possible. Is that fair?

8 A. Well, it was -- that certainly is not
9 verbatim, but yes, it's pretty close to what he said.

10 Q. Okay. So for example, on April 10th of 2001,
11 Mr. Walker told you that Jovanie Long got into his car,
12 right?

13 A. Correct. 4:43:16

14 Q. And on April 10th of 2001, Mr. Walker told
15 you that Jovanie Long, in fact, went with him to the
16 club. Is that correct?

17 A. Correct.

18 Q. And on April 10th of 2001, Xavier Walker told
19 you that he went to Bubbles' house on Division and
20 Central that -- on May 13th, 2000, right?

21 A. Yes.

22 Q. And Mr. Walker told you on April 10th of 2001
23 that on May 13th of 2000, Boo Boo was at Bubbles'
24 house, right, when he was there?

25 A. If that's what the notes say, yes.

1 Q. And we just went over those notes, correct?

2 That's what they said?

3 A. Correct.

4 Q. And Xavier Walker told you on April 10th of
5 2001 that Jovanie Long was in the driver's seat of his
6 sister's car at some point, correct?

7 A. Correct.

8 Q. And that Jovanie Long was driving around his
9 sister's car on May 13th of 2000, right?

10 A. Correct. 4:44:16

11 Q. He told you that -- well, let me -- let me
12 ask you this. We were -- we were talking about Drew a
13 few times in those notes. Do you recall that?

14 A. I do.

15 Q. Well, is it possible that the -- that Drew is
16 actually Deon?

17 A. That is possible.

18 Q. Okay. Does -- do we need to look at -- if we
19 looked back at some of those notes, would that be --
20 would that help you out in terms of looking to see
21 whether that, in fact, could have been Deon?

22 A. I -- I don't -- I don't know that it would,
23 to be honest with you.

24 Q. Okay. So I'm going to pull it up anyway. So
25 this is -- I don't know if I'm going to be able to

1 share the screen. I might need permission. Hold on.

2 MS. SHOFFNER: What -- what do you -- do --

3 is it an exhibit that I -- that I --

4 MR. MILLER: It is, but I won't be able to
5 control it if you pull it up. So what I'm going to do

6 is pull it up, and it'll have been part of exhibit --

7 and I'll identify it, but I'm going to pull it up from

8 --

9 MS. SHOFFNER: Okay.

10 MR. MILLER: -- my connection, so I --

11 MS. SHOFFNER: All right.

12 MR. MILLER: -- just can control it, if that
13 works. Let's see. Give me a second.

14 Q. Is that working? Can I -- can you see the --
15 the exhibit on there?

16 A. It's coming up. It's -- it says you've
17 started screen sharing.

18 Q. Okay. Can you actually see it, though?

19 A. No. 4:46:04

20 Q. Okay. Are you still there? I think it's
21 going -- freezing my computer.

22 A. I'm here.

23 MS. SHOFFNER: Be happy to pull it up and
24 just do what you ask me to do with it.

25 MR. MILLER: Yeah, you know what? It's

1 freezing my whole computer, like so that I can't see
2 anybody doing anything. Now the whole thing's frozen,
3 of course. But you know what? Why don't we take a
4 break while I restart my computer --

5 MS. SHOFFNER: Okay.

6 MR. MILLER: And in the interim, if everybody
7 else's is working, perhaps you could show it -- show
8 him the April 10th, 2001 --

9 MS. SHOFFNER: Okay.

10 MR. MILLER: -- while we're off the record
11 and -- and see whether he can tell if that's Deon and
12 not Drew.

13 MS. SHOFFNER: I --

14 MR. MILLER: That would be --

15 MS. SHOFFNER: I can't -- I -- I can't -- I
16 will say, I can't do it while you are attempting to
17 share screen. So it says, "You can't start share
18 screen while the -- the other participant is sharing."

19 RECORDER: There we go. 4:47:09

20 MS. SHOFFNER: So you want the April --

21 MR. MILLER: Yeah, sorry, I've got to
22 restart. The whole thing -- I can't even hear anybody,
23 so I'm restarting.

24 RECORDER: So we should --

25 MS. SHOFFNER: I think we --

1 RECORDER: -- go off the record for now,
2 correct?

3 MS. SHOFFNER: Yes, we are. And --

4 RECORDER: Off the record, 4:31 p.m.

5 (Off the record)

6 RECORDER: Back on the record, 4:35 p.m.

7 Q. Okay. So what I was trying to do, Mr.
8 Wilson, is -- we -- we have been talking a lot about a
9 Deon today and not so much about a Drew, except when it
10 came to these notes. So I was going to see if you
11 could tell from that 4/10/01 note, looking at, you
12 know, particularly that first page, whether you could
13 tell, looking at it, whether that would be Deon or
14 Drew, or you just can't tell still?

15 A. Okay.

16 Q. Now I'm going to --

17 MS. SHOFFNER: I have it -- I have it up. 4:48:07

18 MR. MILLER: Okay. Can you -- can you share
19 it, then? And we'll -- we'll see if we can look at it
20 that way without --

21 MS. SHOFFNER: Can you see it?

22 WITNESS: I don't see anything.

23 MR. MILLER: Yeah, it's not --

24 MS. SHOFFNER: Oh.

25 MR. MILLER: -- shared. It's not --

1 MS. SHOFFNER: Okay. Hang on. Hang on. All
2 right. Can you see it now?

3 WITNESS: I see it now.

4 MS. SHOFFNER: Okay. And you wanted this day
5 right here, and I think they were looking at the --
6 this word right here, "friends" --

7 WITNESS: That --

8 MS. SHOFFNER: -- if this --

9 WITNESS: -- that word -- if that's the word
10 we're talking about, that word is "Deon."

11 Q. Okay. And so when -- when we were -- when we
12 were referencing "Drew" earlier, would it be fair to
13 say that that's probably actually "Deon" in these
14 notes, right?

15 A. Yeah, probably so. 4:49:20

16 Q. Okay --

17 MS. SHOFFNER: And -- and -- and for the
18 record, I just want to make this clear for the record,
19 this is page Bates stamp 2694, Plaintiff Xavier Walker
20 2694, and it is the one, two, three, fourth line that
21 states, "From work, friends Deon and Simeon." Did I
22 read that correctly, Mr. Wilson?

23 WITNESS: You did.

24 MS. SHOFFNER: All right. Go ahead. You can
25 go ahead, Graham.

1 MR. MILLER: Okay. Thank you. Yeah, I just
2 want to figure out exactly where -- where we were.

3 Q. Okay. So one of the things, then, Mr. Walker
4 told you back on April 10th of 2001, then, was that
5 Deon got scared and got out of the car and went back
6 into the house, correct?

7 A. Yes. 4:50:23

8 Q. Okay. All right. Then we looked at notes
9 from July 16th, 2002, which then reflected your
10 conversations with Mr. Walker back on that date, right?

11 A. Yes.

12 Q. And one of the things, then, we can be sure
13 that Mr. Walker told you back on July 16th of 2002 was
14 that he left the house around 12:10 a.m. on May 13th of
15 2000 -- 2000, correct?

16 A. Correct.

17 Q. And that Mr. Walker told you, back in July of
18 2002, that on May 13th of 2000, he picked up Deon at
19 about 12:15 that night, correct?

20 A. Correct.

21 Q. And this is all when he was driving around in
22 his sister's green Ford Taurus, correct?

23 A. Correct.

24 Q. And Mr. Walker told you that on that night,
25 after he picked up Deon, that he went to his old

1 neighborhood around Cicero and Erie, correct?

2 A. Correct. 4:51:26

3 Q. And that when Mr. Walker, after he picked up
4 Deon and went to his old neighborhood around Cicero and
5 Erie, he saw Jovanie Long among some other people,
6 correct?

7 A. Correct.

8 Q. All right. So according to Xavier Walker, he
9 left his house that night at 12:10 in the morning,
10 correct?

11 A. Correct.

12 Q. And shortly thereafter, Mr. Walker told you
13 that he was then in the presence of Jovanie Long,
14 correct?

15 A. At some point, yes.

16 Q. All right. I wanted to pull up -- so I don't
17 think we went over this set of notes. I don't know
18 whether it's in that exhibit, so I'm just going to make
19 it a separate exhibit, which would be Wilson 14, I
20 believe. And it -- mine are in a little bit different
21 order, so correct me if we've seen this already, but --

22 MR. MILLER: Could you -- Robin, if you could
23 take that off and let me see if I can share this one?

24 Q. Okay. Do you see what's written there? 4:53:00

25 A. I do.

1 Q. Have we looked at this one -- have you looked
2 at this one yet today?

3 A. I don't recall.

4 Q. Okay. So if we could go through this one, at
5 the top, what's written up there?

6 A. The name "Simeon" with, presumably, a work
7 telephone number, the date of "July 23, 2000."

8 Q. Okay --

9 A. Underneath --

10 Q. Let -- and let me just -- let me just
11 interrupt you there. Are these your notes?

12 A. Yes, they are.

13 Q. Again, taken in the context of Mr. Walker's
14 criminal case, right?

15 A. Correct.

16 Q. And the first date written up there of July
17 23rd, 2000, does that lead you to believe that these
18 notes were taken on July 23rd of 2000?

19 A. Yes.

20 Q. All right. And was it your general practice
21 when taking notes of interviews with your client or
22 witnesses to take them contemporaneously with the
23 interview?

24 A. Yes.

4:53:57

25 Q. Okay. So then what does it say below the --

1 the work number?

2 A. Then there's the name "Deon Baylock" with his
3 date of birth being [REDACTED] It lists his
4 address, a phone number, and it says, "He stays with
5 his grandmother."

6 Q. Okay. And then there's sort of a line
7 demarking everything that we just read and then what's
8 written below. Do you know -- do you see that there?

9 A. I do.

10 Q. What -- does that mean anything to you in
11 particular?

12 A. Well, it -- I don't know if it's in the
13 context of Deon Baylock or not, but it says, "No
14 record, and he's never been locked up. He attends
15 school." And it indicates that it was Flagg School,
16 and he was currently in the eighth grade. So I believe
17 that must be Deon.

18 Q. Okay. So what the -- those notes are
19 referring to -- to Deon, correct?

20 A. Deon Baylock, yes.

4:54:53

21 Q. And do you know whether this is a
22 conversation you were having with Deon, or is this
23 information coming from somewhere else?

24 A. I don't know whether I got this information
25 from Deon or elsewhere.

1 Q. Okay. If you could keep going?

2 A. Says, "He was in the seventh grade when this
3 happened." I guess "this -- this" being the incident.
4 Then it said, "The night of May 13th" -- let's see,
5 "May 13th, the sun had just gone down, was approaching"
6 -- it says, "Zay pulled me up in the car outside 5431."

7 Q. Okay. Can we stop right there? It says,
8 "Night" -- you read that, "Night was approaching. Zay
9 picked me up in the car outside 5431." Is that what --

10 A. Yeah.

11 Q. -- it says?

12 A. Which indicates to me that that's taken from
13 Deon himself.

14 Q. Okay. The -- that's what I was going to ask
15 you. The fact that it's in first person and referring
16 to "me" would suggest to you that this was a
17 conversation that you were having with Deon himself,
18 correct?

19 A. Indeed. 4:56:02

20 Q. And so the -- Deon was giving you this
21 information, and you were writing it down
22 contemporaneously, correct?

23 A. Correct.

24 Q. All right. And when it says, "Zay," there,
25 who do you -- who do you know that to be?

1 A. Zay is Xavier Walker.

2 Q. Okay. And "outside 5431," do you know what
3 that number means?

4 A. I think that was Xavier's address, but I'm
5 not sure now.

6 Q. Okay. And then what does it go on to say
7 after that?

8 A. Then it says, "Simeon came around the corner
9 and got in the car, went to Zay's cousin's house to
10 look at a car." Then it says, "Lloyd got in the car.
11 Zay then drove me off -- dropped me off at my house on
12 5424. They dropped me off and went to the club. I
13 went into the house and went to sleep."

14 Q. Okay. So according to the notes that you
15 took on July 23rd of 2000, from your interview with
16 Deon Baylock, Deon Baylock was dropped off before he
17 even went to the club, correct?

18 A. At -- according to this note, Deon Baylock
19 never went to the club.

20 Q. Okay. So Deon never went with Xavier and
21 Simeon Dorsey to the club, according to what Deon told
22 you, right?

23 A. Correct.

4:57:23

24 Q. All right. He went home and went to sleep,
25 right?

1 A. That's what -- that's what my notes say.

2 Q. When Xavier and Simeon left the neighborhood
3 to go to the club, correct?

4 A. Yes.

5 Q. All right. And then if we go to the next
6 page, can you read for what us -- us what's written
7 there?

8 A. Yeah. That's "Shunralyn Jacinta Walker, 5431
9 West Potomac." That's his -- Xavier's sister.

10 Q. Okay --

11 A. Her date of birth was [REDACTED] Apparently,
12 she got laid off just before 7/4/2000. Her employer
13 was the lab support at Safety-Kleen. She was a data
14 entry in the chemistry department. She had been
15 employed for seven months. She has a bachelor's degree
16 majoring in biology and minoring in chemistry from
17 Lewis University in Romeoville. She received that in
18 May of 1997. She's in the army reserves for eight
19 years. Then it says, "On May 13, approximately 12:00
20 midnight, she gave Zay, my brother, my car to go to the
21 restaurant. It was a '95 Ford Taurus."

22 Q. All right. Can --

23 A. "He was" --

24 Q. Let me stop you there. Let me stop you
25 there. So based on the fact that the way you took

1 these notes, we're talking in -- in the first person
2 again, "my car" and "my brother," what does that
3 suggest to you?

4 A. That we're talking about Xavier's sister,
5 Shunralyn -- well, if that be what her name was,
6 Shunralyn Walker.

7 Q. Shunralyn. And -- but the fact that you
8 wrote it in the first person, does that suggest to you
9 that you were getting this information directly from
10 Shunralyn herself?

11 A. It would -- it suggests that to me, yes. 4:59:25

12 Q. Okay. Now going back to the -- to the
13 interview above with Deon, do you recall whether that
14 would have been on the phone or -- or in person?

15 A. I do not have that recollection, no.

16 Q. Okay. And what about with Shunralyn Walker?
17 Do you recall whether you interviewed her on the phone
18 or in person?

19 A. I do not recall that, either.

20 Q. But in any event, at least with regard to
21 Shunralyn, you had had contact with her a number of
22 times, correct? Because she -- she lived in the house
23 with Xavier's parents?

24 A. I think that's safe to say.

25 Q. And do you recall that she would also attend

1 the court appearances along with -- with Xavier's
2 parents?

3 A. I don't recall that, but I wouldn't be
4 surprised if that were true.

5 Q. Okay. And in any event, both this interview
6 with Deon -- with Shunralyn Walker and the one with
7 Deon Baylock, whether it was on the phone or in person,
8 that interview occurred between you and them on July
9 23rd of 2000, correct?

10 A. Correct.

11 Q. Okay. So Shunralyn is telling you a little
12 bit about her background, and then she's telling you
13 that approximately midnight Zay took her car to go to
14 the restaurant, correct?

15 A. Correct.

5:00:29

16 Q. And that's what she told you back on July
17 23rd of 2000, correct?

18 A. Correct.

19 Q. Okay. What else does she say to you here?

20 A. She said that Zay was to come right back.
21 She said, "Only Zay and Simeon were to have gone.
22 Simeon had been here," meaning at the house, "all day.
23 Deon had been here, but I told them I did not want Deon
24 going, he was too young. They were gone approximately
25 one and a half hours. Zay came and gave me my car. He

1 said he went around Erie and saw somebody -- something
2 he wished he'd never seen."

3 Q. Okay. So on July 23rd of 2000, Shunralyn
4 Walker told you that she lent Xavier Walker her car,
5 and Xavier Walker left around midnight on May 13th of
6 2000. Is that true?

7 A. That's -- seems to be the truth, yeah. 5:01:31

8 Q. Based on the notes that you took with your
9 interview with Shunralyn Walker, correct?

10 A. Correct.

11 Q. And then she told you that they were gone --
12 Xavier Walker was gone about an hour and a half after
13 he left at midnight on May 13th of 2000, right?

14 A. That's what -- yes.

15 Q. And then when he came back, he -- he told
16 Shunralyn Walker that he had been in his old
17 neighborhood, correct?

18 A. That's -- yes. That's what the notes say.

19 Q. The -- the neighborhood around Erie, right?

20 A. Yes.

21 Q. And Shunralyn Walker told you that Xavier
22 Walker told her that he had seen something over there
23 that he wished he had never seen, correct?

24 A. Correct.

25 Q. And then you -- in your notes here, you have

1 -- what is that after "never seen"? There's some
2 markings there.

3 A. Dot, dot, dot, dot.

4 Q. Okay. So ellipses, correct?

5 A. Yes.

6 Q. And do you know why you would have put
7 ellipses there?

8 A. I do not.

9 Q. Is that -- was that a common practice for you
10 in your notes, to put ellipses somewhere?

11 A. Sometimes, yeah.

12 Q. All right. And what is it generally when you
13 would put ellipses? What were you generally trying to
14 indicate?

15 A. That there was more being said, but it was
16 not adding to the -- the gist of the conversation.

17 Q. All right. And do you have any recollection
18 of what it was that she -- she said after that?

19 A. I do not. 5:02:49

20 Q. Is it possible that she said something that
21 was inculpatory about Xavier Walker there that you
22 didn't want to write down in your notes?

23 A. I do not have any recollection of what else
24 she had said.

25 Q. All right. But that's a possibility?

1 A. Certainly.

2 Q. All right. And what's written on the next
3 page?

4 A. She -- "I know that Zay and Jovanie are
5 friends, long time, having" -- having something --
6 "running together friends. They grew up together."
7 Okay.

8 Q. Is it -- is it possible that's "hanging out"?

9 A. Yes, could be that. "Hanging out, running
10 together," yeah, "friends. Hanging out, running
11 together friends."

12 Q. Okay. And just for the record -- that's
13 because it's covered up here, these notes starting with
14 -- with these July 23rd of 2000 notes that we've marked
15 as Exhibit 14, as Plaintiff Xavier Walker 002745, 46,
16 and then we're on 47. All right. After that, there's
17 some more written here. Are these your notes as well?

18 A. They are my notes. And it says --

19 Q. And what does it say?

20 A. "Boo Boo (Maurice) was picked up for the
21 murder but was let go after Xavier was picked up."

22 Then it says, "Ashanti is Jovanie's girlfriend."

23 Q. Do you know if this is still the -- the
24 interview with Shunralyn Walker, or is this something
25 else that you picked up from --

1 A. I -- I don't -- I don't know that. 5:04:39

2 Q. Okay. In any event, where it says, "Boo Boo
3 (Maurice)," are -- we're talking about Maurice Wright?

4 A. I believe so.

5 Q. And his -- his nickname would be "Boo Boo,"
6 correct?

7 A. I believe so.

8 Q. So whenever we're talking in these notes or
9 these documents about Boo Boo or Maurice, those are
10 interchangeable, correct?

11 A. Yes.

12 Q. Okay. I want to share another note. And we
13 may have gone over this, but I want to ask you about a
14 specific part. So I'm just going to make it a separate
15 exhibit just in -- just in case we haven't gone over
16 it. Well, first of all, can -- can you see this here?

17 A. I have a blank screen. Okay. I got one now.

18 Q. Okay. You see that? 5:05:40

19 A. Yes.

20 Q. And it says -- it -- what does it say at the
21 top?

22 A. It says, "Xavier Walker, 7/18/2000."

23 Q. Okay. Are these your notes as well?

24 A. Yes, they are.

25 Q. Did we go through these before?

1 A. No.

2 Q. Okay. Can you go through these for us
3 briefly?

4 A. Right under "Xavier Walker" is the name "Mary
5 Curry," and underneath her name is "Maurice." And then
6 it says, "Re: Maurice, page 9, not current -- not
7 correct that Zay and Vani were going down railroad
8 tracks and threw gun away."

9 Q. Okay. And that's what I want to ask you
10 about. Do you know what you're referring to here?

11 A. I do not.

5:06:28

12 Q. Do you know whether this was -- these notes
13 were taken in the context of an interview with Xavier
14 Walker or anybody else, or whether they were from file
15 review, or --

16 A. I don't know who was giving me this
17 information.

18 Q. Okay. So going back to, I think, what Ms.
19 Shoffner was asking a little bit about before, in a
20 murder trial, if a witness is going to help your
21 client's case, you're going to put that witness on,
22 right?

23 A. I would certainly think so.

5:07:25

24 Q. Okay. And if -- you understand what an alibi
25 is, right?

1 A. Of course.

2 Q. And -- and alibis aren't unique to murder
3 cases, right? I mean, you can have an alibi in any
4 sort of criminal case, right?

5 A. Correct.

6 Q. I mean, if -- if -- if there's witnesses that
7 say, "This person wasn't there when this crime was
8 committed," that's somebody that you want to put on in
9 your criminal case, correct?

10 A. Normally, yes.

11 Q. Now sometimes the state can ask you -- ask
12 the court to direct you to actually disclose your alibi
13 witnesses and your alibi theory, correct?

14 A. Yes.

15 Q. And did that happen, do you recall, in -- in
16 this case?

17 A. I don't recall that happening.

18 Q. Okay.

19 A. You -- by the way, Counsel, your exhibit has
20 gone off my screen.

21 Q. Yeah. We're -- we're done with that exhibit.

22 A. Okay, okay.

23 Q. Okay. I'm going to pull up a different
24 exhibit. And we'll mark it as 16. And let us know if
25 you need to take a -- I know it's getting late, but let

1 us know if you need to take a break.

2 A. I'm good so far.

5:08:46

3 Q. Okay. All right. Do you see what's on the
4 screen now?

5 A. Yes.

6 Q. And do -- do you recognize that document?

7 A. Well, it -- it appears -- it's a typical
8 motion for pretrial discovery that the state normally
9 presents to defendant and defendant's counsel.

10 Q. Okay. And this is one that was filed in, in
11 fact, Xavier Walker's case that you represented him,
12 correct?

13 A. So it seems.

14 Q. Okay.

15 A. Yes.

16 Q. And this directs you to disclose witnesses
17 that you may put on in your case, correct?

18 A. Correct.

19 Q. And -- and particularly if you're going to
20 put on alibi witnesses, correct?

21 A. Correct.

22 Q. And this is something that -- you're going to
23 have to do that prior to trial, right?

24 A. Yes.

25 Q. Or you -- or the risk is that you may not be

1 able to call those witnesses at trial, right?

2 A. That is true.

5:09:46

3 Q. So if you're doing your investigation and
4 there is a possibility of alibi witnesses and you have
5 one of these motions, you -- you're going to need to
6 answer that in discovery, right? You're going to need
7 to disclose those witnesses?

8 A. Indeed.

9 Q. But you need to do that before you even
10 decide whether you're going to call those witnesses,
11 right?

12 A. Correct.

13 Q. Because if the alibi witnesses are not real
14 alibi witnesses, you may end up not calling them,
15 correct?

16 A. That happens, yes.

17 Q. And in fact, that happened in this case,
18 didn't it?

19 A. Well, there were witnesses that I'd indicated
20 in my answer to pretrial discovery that I subsequently
21 did not call.

22 Q. And do you know -- certainly, during your
23 review of this case and your preparation for the trial,
24 you determined when, in fact, at least the estimate of
25 when this murder took place, correct?

1 A. Yes.

2 Q. And where would you usually get information
3 like that?

4 A. Well, I would get it from -- initially, it
5 would come from my client, the defendant.

6 Q. Well, if the defendant says --

7 A. I would --

8 Q. -- he wasn't there --

9 A. -- I would look at --

10 Q. -- you've got to get it from somewhere,
11 right?

12 A. -- discovery materials. I would look at the
13 discovery materials that the state has furnished
14 initially, also.

15 Q. Right. Including, for example, police
16 reports and whatnot, correct?

17 A. Correct. 5:11:05

18 Q. Because they're going to have the date that
19 they -- the police generally discover the body, and
20 they put together when they think the murder occurred,
21 right? Is that your general experience?

22 A. That's my experience.

23 Q. Okay. And in this case, you certainly looked
24 over the police reports, right?

25 A. Yes.

1 Q. All of the case supps and the various
2 documents that they put together when investigating
3 this before you -- you tried the case?

4 A. Yes.

5 Q. Okay. And I'm going to show you what I guess
6 we'll mark as 17. Do you see that document there?

7 A. I do.

8 Q. And this was -- at the beginning -- at the
9 top, it says, "Chicago Police Department." It's one of
10 the case supplementary reports, correct?

11 A. Correct.

5:12:03

12 Q. For identification purposes, this is
13 Plaintiff Xavier Walker 002589. And I will represent
14 to you that this is something that we pulled from your
15 file, in fact, that was produced to us through
16 Plaintiff, okay?

17 A. Okay.

18 Q. You see here that there's a date and time of
19 May 13th, 2000?

20 A. Yes.

21 Q. And the address of the occurrence is 4721
22 West Ohio Street, Chicago, Illinois?

23 A. I don't see the address on the sheet that you
24 have -- yes, I do see that. Yes.

25 Q. It's right -- it's right above that --

1 A. I see it.

2 Q. -- correct?

3 A. Yes. Yes.

4 Q. Okay. And does that suggest to you that this
5 is the supp -- supplementary report from the murder of
6 Marek Majdak back on May 13th, 2000?

7 A. Yes.

8 Q. And as -- a Chicago Police Department case
9 supplementary report is certainly one of the many
10 documents you would have reviewed over the course of
11 this case, correct?

12 A. Correct.

5:13:03

13 Q. And as you see there at the beginning, it
14 says their estimate of the date and time of the murder
15 is 0100 to 0110 hours on May 13th of 2000, correct?

16 A. Correct.

17 Q. Your understanding is that's first thing in
18 the morning, right? An hour to an hour and ten minutes
19 after midnight on May 13th, right?

20 A. That's my understanding.

21 Q. Okay. And you've got -- there's a little
22 star next to that that's -- looks to be written --
23 handwritten asterisk, right?

24 A. Yes.

25 Q. Okay. Do you know whether or not that's your

1 asterisk?

2 A. I don't know that.

3 Q. Okay. But in any event, presumably, as you
4 investigated this case, you -- you saw this document,
5 and probably from the other documents, you were able to
6 ascertain that this murder was allegedly occurred
7 between 1:00 a.m. and 1:10 a.m., correct?

8 A. Correct.

9 Q. Okay. So based on that, when we're talking
10 about Simeon Dorsey and Shunralyn Walker, who said that
11 -- who -- who -- and according to Xavier Walker, who
12 all left the house at midnight, would they be good
13 alibi witnesses in this case?

14 MS. SAMUELS: Objection. Calls for
15 speculation.

5:14:16

16 A. Not for purposes of establishing whether or
17 not Xavier was involved in this shooting.

18 Q. Okay. So for example, we just -- we just
19 heard that Shunralyn Walker told you that she -- Xavier
20 Walker left in her car at midnight on May 3rd -- 13th
21 of 2000, right?

22 A. Correct.

23 Q. And he didn't return for an hour and a half,
24 right?

25 A. Correct.

1 Q. And in between then, he's -- he had gone over
2 to his old neighborhood around Erie and Ohio, right?

3 A. Yes.

4 Q. All right. And he said that he had seen --
5 he -- he had seen something he wished he never saw,
6 right?

7 A. Yes.

8 Q. Well, with Shunralyn -- if you called
9 Shunralyn Walker to trial, would -- would she have been
10 a good alibi witness for Xavier Walker?

11 MS. SAMUELS: Same objection.

12 A. It -- she certainly would not have been the
13 strongest alibi witness for Xavier.

14 Q. And -- and is that why you didn't call her at
15 trial?

16 A. I -- I -- as I sit here now, that's certainly
17 -- I can't answer that question because I don't know
18 what was going through my head. But I know, as I'm
19 looking at the -- what we've gone through today, that
20 those things would have concerned me.

21 Q. Okay. And as we -- if you were trying this
22 case today knowing those things, would you call
23 Shunralyn Walker for trial to testify on behalf of
24 Xavier Walker?

25 A. Probably not.

5:15:40

1 Q. Now the state might call her, right?

2 A. Yeah.

3 Q. And with respect to Deon Baylock, according
4 to -- to -- to Deon himself, he got out of the car
5 before any of this even occurred, right?

6 A. Correct.

7 Q. So you're not going to call him at trial, are
8 you?

9 A. Not if I were trying it today.

10 Q. Okay. I just want to go over a little bit
11 about the chain of custody with respect to the file.
12 Once this trial -- the criminal trial ended, you filed
13 a motion -- a posttrial motion, correct?

14 A. Correct. 5:16:49

15 Q. Okay. And you would have had your file at
16 that point, right?

17 A. Correct.

18 Q. Okay. And we discussed a little bit about
19 that motion was denied and then the -- the case was
20 appealed, right?

21 A. Correct.

22 Q. But you did not handle the appeal, correct?

23 A. Correct.

24 Q. So would you have given the original file to
25 whoever was handling the appeal, or would you have

1 copied it? Do you recall what you did in this
2 instance?

3 A. I -- I would not have copied it because it
4 was so voluminous. I would have given my original file
5 to Mr. Winston and to -- for purposes of him xeroxing
6 and returning -- and returning it to me.

7 Q. Okay. But it -- well, so first of all, what
8 we know about Mr. Winston is you had contact with him
9 in 2014, right? So --

10 A. Yes.

11 Q. -- years and years after this. Mr. Winston
12 didn't necessarily handle the appeal back when that
13 would have occurred, correct?

14 A. I think that's correct.

5:17:41

15 Q. Okay. So who -- but so who -- what you're
16 saying is, whoever did handle the appeal, you would
17 have given your file so that they could make a copy,
18 correct?

19 A. That's what I'm saying, yes.

20 Q. But at some point you got that file back,
21 right?

22 A. Yes.

23 Q. All right. And it -- as you sit here today,
24 I guess you don't know whether the entire file was
25 returned to you, or do you?

1 A. I do not.

2 Q. All right.

3 A. I have no reason to think that it was not,
4 but I do not.

5 Q. Okay. Now in 2005 or -- or shortly before
6 that, do you recall that Xavier Walker's parents filed
7 an ARDC complaint against you? Or at least they --

8 A. I do recall that. I recall that.

9 Q. And you, in fact, actually wrote a letter in
10 your defense. Do you recall that?

11 A. I recall that.

12 Q. Okay. But in any event, you gave ARDC your
13 file to review as well. Is that true?

14 A. I believe that's true, yes. 5:18:40

15 Q. And would that have been the same process?
16 Would you have sent them the original to -- to make
17 copies and then send it back?

18 A. I would have taken them the original and --
19 and then picked it up at a later date.

20 Q. Okay. And is that what happened in this
21 case? Do you recall?

22 A. Yes, it was.

23 Q. And do you recall -- I think you testified
24 earlier that you kept this file in some sort of
25 briefcase, right?

1 A. Yes.

2 Q. And when you dropped it off, you would leave
3 the whole briefcase with whoever you were giving the
4 file to, correct?

5 A. Correct.

6 Q. How did you organize your file?

7 A. Oh, jeez. I don't know how to answer that.
8 As -- as it is an active file, I had parts set aside
9 for discovery materials, parts set aside for motions,
10 parts set aside for notes, parts set aside for trial
11 preparation with the statements, and the -- and the
12 like. Now as -- subsequent to the end of the trial,
13 everything probably was sort of commingled.

14 Q. Okay. So and -- and, you know, let me break
15 it down, then. So first of all, your -- your whole
16 file would be in the briefcase, right?

17 A. Correct.

5:20:00

18 Q. Okay. You wouldn't leave anything behind, at
19 least with regard to giving it to the appellate court
20 or the appellate defender or the ARDC, right?

21 A. Correct.

22 Q. And I -- I guess, just as a matter of course,
23 do you have a regular way that you organize your files,
24 or did you back in 2000?

25 A. I -- no particular format.

1 Q. Okay.

2 A. First -- first things first, you know. It --
3 it would begin with the -- with the charge, it would
4 begin with my -- their motion for discovery, my answer
5 to discovery, and the, you know -- that -- the -- those
6 are the initial preliminary documents.

7 Q. Are you -- do you -- do you have folders,
8 like, orders or subpoenas or, you know, the -- the --

9 A. Well, yeah I have -- all of that goes in its
10 own separate folder.

11 Q. Okay. All right. And at some point then,
12 you would have picked up the file from the ARDC, you
13 got it back, right?

14 A. Correct. 5:20:59

15 Q. Okay. And do you recall whether you had the
16 whole thing -- do you -- do you -- when -- presumably,
17 you picked up the whole briefcase, right?

18 A. Correct.

19 Q. And did you -- was -- did you check to see
20 whether the file was complete at that point?

21 A. I did not.

22 Q. All right. When you gave the file to the
23 appellate defender and the ARDC, would it have included
24 the notes that we just went over?

25 A. If they were -- yes, it would have.

1 Q. It would have included any notes that you
2 would -- had in your possession at the time, right?

3 A. Correct.

4 Q. All right. And we know that then, at some
5 point later on, that you gave your file to the public
6 defender that was handling the posttrial proceedings,
7 Harold Winston and his affiliates, correct?

8 A. Correct.

9 Q. Okay. And was it the same sort of thing?
10 Did you give him a whole briefcase and then at some
11 point came back and picked it up?

12 A. Exactly. 5:21:58

13 Q. All right. And again, to ask you, you know,
14 was it -- do you know whether it was complete when you
15 picked it back up?

16 A. I do not.

17 Q. All right. At least probably the last time
18 that you produced this file was pursuant to a subpoena
19 from my firm in this civil case. Do you recall that?

20 A. I do not recall that, actually --

21 Q. Okay. All right. Did you ever produce it to
22 anybody regarding the civil case?

23 A. Not to my recollection.

24 Q. All right. In any of your productions to
25 anybody in this case, did you create a privilege log

1 for things that you thought might have been withheld
2 pursuant to -- or should have been held pursuant to
3 privilege?

4 A. No, I did not.

5 Q. Okay. Why not? 5:22:46

6 A. I -- I frankly never -- it never occurred to
7 me.

8 Q. Okay. Looking back at I think what we had
9 marked as Wilson Exhibit 7, which was the motion to
10 suppress that you filed -- let me make it more
11 reasonable. Okay. You recall looking at this document
12 previously?

13 A. Yes. 5:23:58

14 Q. All right. I just had a couple questions
15 about this. Well, first of all, you're filing a motion
16 to oppress -- to suppress a -- a sworn videotaped
17 statement of your client Xavier Walker, correct?

18 A. Correct.

19 Q. And you know, you know, whether or not this
20 is your first murder case or not, any sort of admission
21 or confession is going to be paramount in the state's
22 case, right?

23 A. Yes.

24 Q. And you need to do whatever you can as the
25 defense attorney to try to make it so that the

1 statement admitting guilt is not introduced into
2 evidence at trial, correct?

3 A. Correct.

4 Q. So there's no reason to hold back anything
5 when you are filing a motion to suppress a videotaped
6 statement admitting guilt, right?

7 A. Correct. 5:25:00

8 Q. So it would be fair to say that anything that
9 Xavier Walker told you about why his -- his -- how his
10 confession was coerced, you would have put into this
11 motion, right?

12 MS. SAMUELS: Objection --

13 A. If I thought it germane, yes.

14 Q. Okay. But there's no -- any fact about not
15 -- well, for example, if -- you would put all the facts
16 about physical coercion of a -- of a confession into a
17 motion to suppress, correct? You wouldn't leave
18 anything out, would you?

19 A. Correct. That's correct.

20 Q. Okay. And in this case, looking at paragraph
21 five, you put that during this period of incarceration,
22 the defendant was subjected to several instances of
23 physical abuse at the hands of representatives of the
24 Chicago Police Department, including but not limited to
25 being kicked, stepped on in the chest area, correct?

1 A. Correct.

2 Q. Would this lead you to believe -- well, based
3 on that, the only thing that Xavier Walker would have
4 told you about physical abuse would have been being
5 kicked and stepped on in the chest area, right?

6 MS. SAMUELS: Objection.

7 A. I think that's true.

8 MS. SAMUELS: Calls for speculation.

9 Q. You can answer. 5:26:04

10 A. I believe so, yes.

11 Q. Otherwise, you would have put it in here,
12 right?

13 A. Yes.

14 Q. Okay. And so, for example, if Xavier Walker
15 said that he was hit with a black stick -- if he told
16 you that, you would have put it in here, right?

17 A. Yes.

18 Q. Okay. Any other sort of physical abuse,
19 punching, hitting, anything like that, you would have
20 put it in this motion, correct?

21 A. Yes.

22 Q. What does it mean, "during this period of
23 incarceration"? You say that several times. The --
24 what period are we talking about here?

25 A. I'm talking about when he's in custody at the

1 police station.

2 Q. Okay. So at any point at the police station
3 is what we're talking about, right?

4 A. Yes.

5 Q. Was that a yes? Sorry, I didn't hear.

6 A. Yes. 5:26:55

7 Q. Okay. Okay. Just -- if -- if Xavier Walker
8 had told you that he was not given his Miranda rights,
9 that would have gone in here, correct?

10 A. I would think so.

11 MS. SAMUELS: Objection. Calls for
12 speculation.

13 Q. You would have put that in there as one of
14 the bases to suppress this confession if, in fact,
15 Xavier Walker had told you that, correct?

16 A. I --

17 MS. SAMUELS: Same objection.

18 A. -- believe I would have, yes.

19 MR. MILLER: All right. All right. Just
20 give me -- I -- I think I'm done. Let me just look
21 real quick. Let -- let me just take a five-minute
22 break and make sure, or if -- I don't know if you have
23 any questions, Jeanette.

24 MS. SAMUELS: I do, but I'll wait till you're
25 done. 5:28:47

1 MR. MILLER: All right. Let's take a
2 five-minute break.

3 RECORDER: Okay. Off the record, 5:16 p.m.

4 (Off the record)

5 RECORDER: Back on the record, 5:22 p.m.

6 Q. Okay. Just two more things I want to ask you
7 about. I'm going to share with you I guess what will
8 be, I think, 18, Wilson 18. Do you see this document
9 here?

10 A. I do.

11 Q. And it's "Report of Proceedings" before the
12 Honorable Marcus Salone on November 14 of 2003. Do you
13 see that?

14 A. I do.

15 Q. And I represent this to you to be basically a
16 -- part of -- a partial transcript of the trial, the
17 criminal trial of Xavier Walker, okay?

18 A. Okay. 5:29:50

19 Q. And this part is -- is essentially your
20 opening statement. As you can see here, you start out
21 with, "Judge, the night of May 13, 2000, was a tragic
22 night for Mr. Majdak. There's no question about that.
23 He wound up losing his life," etcetera. Do you
24 recognize that to be your opening statement in this
25 case?

1 A. I do.

2 Q. Okay. And when we look at this paragraph,
3 you say, "For the first time, around midnight on the
4 night of -- the morning of May 13th, Xavier Walker left
5 his home." You see that right there?

6 A. I did. I do.

7 Q. And is that -- is that statement consistent
8 with what Xavier Walker and Shunralyn Walker told you
9 about when Xavier Walker left his house on May 13th of
10 2000?

11 A. I believe it is. 5:30:48

12 Q. Okay. And then I just wanted to show you
13 again what we had previously marked as Exhibit 12,
14 which is your affidavit. And I just -- I -- you know,
15 obviously we went through a lot of this deposition --
16 is that showing up on your screen, by the way?

17 A. It is not.

18 Q. Okay. Let me try it again. See it now?

19 A. Yes.

20 Q. And this is the affidavit that -- that you
21 ultimately signed, correct?

22 A. Correct.

23 Q. Now I -- I think we established that you
24 didn't actually write this affidavit, correct?

25 A. That is correct. 5:31:47

1 Q. This was written by Harold Winston?

2 A. Or someone in his -- in his office.

3 Q. Okay. Purportedly based on information that
4 you gave him, correct?

5 A. Correct.

6 Q. All right. And obviously we've been talking
7 about how it has been difficult to remember all the
8 details of this case back going 20 years ago, right?

9 A. Yes.

10 Q. But we have since then gone over some of your
11 notes, which may or may not refresh your recollection
12 to some degree. But I wanted to give you another
13 chance, kind of, to answer some of these questions
14 after having seen those notes. It says, for example,
15 "I do not" -- in paragraph eight, "I do not know why I
16 did not put on any witnesses at trial." After having
17 gone over your notes, can you give us more of an answer
18 about -- about that?

19 A. I -- actually, no. Because I -- I -- I still
20 don't know why I did not. I -- I perhaps had a concern
21 about how viable a witness they may have presented
22 themselves.

23 Q. Okay. And with regard to, for example, the
24 names that he gave you, Simeon Dorsey, Deon Baylock,
25 Marvin Mosley, and his sister Shunralyn Walker, those

1 are the names that Xavier Walker gave you, correct?

2 A. Correct. 5:33:09

3 Q. And it says they "could be a witness," right?

4 A. Correct.

5 Q. Okay. But we know that -- we know that at --

6 at least with regard to Deon Baylock and Shunralyn

7 Walker, they wouldn't have made very good witnesses for

8 Mr. Walker, right?

9 MS. SAMUELS: Objection. Calls for
10 speculation.

11 A. I -- the only thing I can say is that I had
12 -- at some point, I had concerns about how viable a
13 witness they would prove to be.

14 Q. Okay. And -- and again, number nine, looking
15 at number nine?

16 A. I see it.

17 Q. Okay. At this point, you had -- you recall
18 that you did not lose -- that you -- you didn't know
19 whether or not you lost contact with any witnesses?

20 A. I --

21 Q. You, in fact, did have contact with, at
22 minimum, Shunralyn Walker, correct?

23 A. Absolutely. 5:34:16

24 MR. MILLER: Okay. All right. All right.

25 That's -- that's all I have. Thank you.

1 EXAMINATION

2 BY MS. SAMUELS:

3 Q. Okay. So I have some questions for you.

4 This is Jeanette Samuels. Let me turn on my video, I
5 apologize. So when you're taking notes, are you doing
6 a word-for-word transcription, or are you summarizing
7 what you're hearing?

8 A. I'm summarizing what I'm hearing.

9 Q. Okay. And when you summarize what you're
10 hearing, you sometimes have to make sense of what the
11 person is telling you to put it into your own words so
12 that you can understand it later?

13 A. Indeed so.

14 Q. Okay. And so your notes reflect your
15 understanding of what somebody is telling you, but they
16 may not necessarily be word-for-word what that
17 individual is trying to convey?

18 A. That is correct.

19 Q. So your notes seem to indicate, at the time,
20 that Deon Baylock was a minor. Do you recall that?

21 A. Yes. 5:35:17

22 Q. And that he was living with his grandmother?

23 A. I believe I recall that, yes.

24 Q. Okay. If you were presented with evidence
25 that, at the time, he was actually living with his

1 uncle, would you have any reason to dispute that?

2 A. I do not.

3 Q. All right. So at the time of -- that you
4 spoke with Deon Baylock, do you recall whether you
5 spoke with him in private or whether you spoke with him
6 in the presence of his guardian?

7 A. I have no -- no current recollection of that.

8 Q. Okay. In your experience as an attorney, is
9 it sometimes the case that minors especially don't want
10 to admit to being out late at night or to breaking
11 their guardian's rules?

12 A. That is my --

13 MS. SHOFFNER: Objection.

14 A. -- experience.

15 MS. SHOFFNER: Hang on, I'm going to just
16 make an objection as to the form, foundation, and
17 speculative nature of -- of -- of the question.

18 A. That is my experience.

19 Q. All right. I believe earlier you were shown
20 an affidavit of Alicia Stewart regarding her
21 conversation with Deon Baylock. Do you recall seeing
22 that?

23 A. Not really.

5:36:23

24 MS. SAMUELS: Okay. Am I -- do I have
25 authority to screen share?

1 MS. SHOFFNER: Yes.

2 Q. All right. Real quickly, can you see my
3 screen, Mr. Wilson?

4 A. I see it.

5 Q. All right. And you see this is the affidavit
6 of Alicia Stewart, who was a --

7 A. I --

8 Q. -- Cook County investigator?

9 A. Yes.

10 Q. All right. And it looks like it was attested
11 to on December 4th -- 15th, 2014?

12 A. Yes.

13 Q. All right. And it's her conversation with
14 Deon Baylock regarding his recollection of the night of
15 May 12th into May 13th. Do you see that?

16 A. I do.

17 Q. Do you see that he remembered that night,
18 that he had been with Xavier, that Xavier could not
19 have been involved in the shooting?

20 A. Yes.

21 Q. As you sit here today, do you have any
22 independent recollection and any independent reason to
23 believe that this affidavit is inaccurate?

24 A. I do not.

5:37:29

25 Q. Okay. I'm going to go ahead and stop sharing

1 my screen. Do you recall seeing notes regarding
2 subpoenaing for phone records in this case?

3 A. I recall seeing notes for phone records, yes.

4 Q. Do you know whether you ever issued that
5 subpoena?

6 A. I don't recall whether it was issued or not.

7 Q. Okay. And do you recall being asked about
8 information that you had put in a motion to suppress?

9 A. Yes.

10 Q. Okay. Are you -- are you familiar with the
11 doctrine of "fruit of the poisonous tree"?

12 A. Yes.

13 Q. All right. And as a general rule, in a
14 motion to suppress, is your intention as an attorney
15 not only to suppress the statement but also any
16 additional evidence that the police may have been able
17 to obtain as a result of their unconstitutional
18 conduct?

19 MS. SHOFFNER: Objection as to form,
20 incomplete hypothetical.

21 A. That would be my understanding. 5:38:33

22 Q. Okay. I'm going to share my screen again.
23 And I'm showing you the motion to suppress and just
24 scrolling to the bottom where you see the -- can you
25 see the prayer for relief?

1 A. Yes.

2 Q. All right. And it looks that it -- you are
3 looking for an order to suppress from being introduced
4 into evidence any and all parts of the video statement
5 of the confession, correct?

6 A. Correct.

7 Q. All right. Do you see anywhere in that
8 statement where you specifically request any fruits of
9 the poisonous tree that the police may have obtained as
10 a result of that statement?

11 A. Not that statement, but at the end of the
12 prayer for relief, I say, "for the suppression of --
13 for such further relief as the court deems just and
14 appropriate."

15 Q. Right.

16 A. That was a catchall.

17 Q. Right. And that's a catchall that you put in
18 every prayer for relief, whether it's a criminal or a
19 civil case, correct?

20 A. Correct. 5:39:30

21 Q. All right. And specifically for -- in this
22 case, DNA evidence was obtained from Xavier Walker,
23 correct?

24 A. I believe that's correct.

25 Q. All right. And his statement was used in

1 part to help obtain the arrest warrant for -- obtain
2 the arrest for Jovanie Long as well, correct?

3 MS. SHOFFNER: Objection as to form,
4 foundation, and -- you know, for lack of foundation.

5 MR. MILLER: I'll join that.

6 A. I'm -- I'm -- I'm not sure if that's -- was
7 -- is true or not.

8 Q. All right. But in any event, you never
9 specifically requested that relief in this motion. Is
10 that fair to say?

11 A. That's fair to say.

12 Q. And the question you -- you remember
13 receiving questions about why the nature of his arrest
14 wasn't a part of the motion to suppress. Do you
15 remember those questions?

16 A. I do. 5:40:28

17 Q. Okay. And do you remember reviewing that
18 FDLA paperwork where it seemed to indicate that some
19 sort of force was used in order to arrest Mr. Walker?

20 A. I do.

21 Q. All right. And so as you sit here today, you
22 have no recollection one way or another whether you
23 specifically reviewed that with Mr. Walker. Is that
24 fair to say?

25 A. That is fair to say, yes.

1 Q. All right. But it is also fair to say that
2 you had in your file at that time evidence that seemed
3 to suggest some sort of force was used during the
4 course of Mr. Walker's arrest. Is that correct?

5 A. I believe that's --

6 MS. SHOFFNER: Objection as to form,
7 foundation, incomplete hypothetical.

8 A. Yes, that's correct.

9 Q. All right. And that would have been in your
10 file at the time that you filed this motion to
11 suppress?

12 A. Yes.

13 Q. Okay. Do you recall speaking -- actually,
14 we'll leave that alone. Go ahead and stop sharing my
15 screen. Is the reason you might not call a witness
16 because they've moved out of state?

17 A. That is a reason. 5:41:45

18 Q. Is the reason you might not call a witness
19 because you weren't able to serve them with a subpoena?

20 A. Yes.

21 MR. MILLER: Object to the leading -- the
22 nature -- leading nature of the question. Go ahead.

23 MS. SHOFFNER: And also -- I also object
24 based on the incomplete hypothetical and the
25 speculative nature of the question. So that would be a

1 form, a foundation objection.

2 Q. Is the reason you might not call a witness
3 because you haven't been able to get into contact with
4 them?

5 MR. MILLER: Object to leading.

6 Q. Sorry, go ahead. Sorry, sir, did you hear
7 the question?

8 A. You're asking me?

9 Q. Yes, sir.

10 A. I have no questions.

11 Q. No, I was saying, is the reason you might not
12 call the witness because you just can't get in contact
13 with them?

14 A. Yes. 5:42:45

15 Q. All right. There's any number of reasons
16 under the sun why you might not call a witness,
17 correct?

18 A. Correct.

19 Q. Okay. As you sit here today, do you know why
20 you did not call any witnesses in this case?

21 A. I do not.

22 Q. All right. Fair to say you don't -- you
23 don't remember your motivations one way or the other in
24 regard to any specific action that you took in this
25 case?

1 A. That is correct.

2 MS. SAMUELS: Okay. I have no further
3 questions.

4 MS. SHOFFNER: I have no further questions.
5 Thank you again, Mr. Wilson.

6 WITNESS: Okay.

7 MR. MILLER: Thank you.

8 RECORDER: Okay. Signature?

9 MS. SHOFFNER: All right, sir. You have the
10 right to review this testimony today for any
11 typographical errors or -- or scrivener errors, as they
12 often refer to, or you can trust that the court
13 reporter got it right and waive your signature on your
14 deposition transcript testimony. Would you like to
15 review the testimony, or do you want to waive
16 signature?

17 WITNESS: I'll waive signature. 5:43:59

18 MS. SHOFFNER: All righty.

19 RECORDER: Off the record, 5:37 p.m.

20

21

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25

CERTIFICATION

I certify that the deponent was duly sworn by me and
that the foregoing is a true and correct
transcript from the record of proceedings
in the above-entitled matter.

Brenda L. Portillo

March 10, 2022